

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Ronald H. Sargis

Chief Bankruptcy Judge

Sacramento, California

Pursuant to District Court General Order 618, no persons are permitted to appear in court unless authorized by order of the court. All appearances of parties and attorneys shall be telephonic through CourtCall, until further order of the Chief Judge of the District Court. **The contact information for CourtCall to arrange for a phone appearance is: (866) 582-6878.**

MODESTO DIVISION CALENDAR

June 18, 2020 at 10:30 a.m.

-
1. [20-90318-E-7](#) TAWFIK SALEH MOTION TO COMPEL ABANDONMENT
[MSN-1](#) Mark Nelson 5-8-20 [13]

Tentative Ruling: Oral argument may be presented by the parties at the scheduled hearing, where the parties shall address the issues identified in this tentative ruling and such other issues as are necessary and appropriate to the court's resolution of the matter.

Below is the court's tentative ruling, rendered on the assumption that there will be no opposition to the motion. If there is opposition presented, the court will consider the opposition and whether further hearing is proper pursuant to Local Bankruptcy Rule 9014-1(f)(2)(C).

Local Rule 9014-1(f)(2) Motion—Hearing Required.

Sufficient Notice Provided. The Proof of Service states that the Motion and supporting pleadings were served on Chapter 7 Trustee, creditors, parties requesting special notice, and Office of the United States Trustee on May 18, 2020. By the court's calculation, 31 days' notice was provided. 14 days' notice is required.

The Motion to Compel Abandonment was properly set for hearing on the notice required by Local Bankruptcy Rule 9014-1(f)(2). Debtor, creditors, the Chapter 7 Trustee, the U.S. Trustee, and any other parties in interest were not required to file a written response or opposition to the motion. If any of these potential respondents appear at the hearing and offer opposition to the motion, the court will set a briefing schedule and a final hearing, unless there is no need to develop the record further. If no opposition is offered at the hearing, the court will take up the merits of the motion. At the hearing, -----

June 18, 2020 at 10:30 a.m.

- Page 1 of 15 -

The Motion to Compel Abandonment is granted.

After notice and a hearing, the court may order a trustee to abandon property of the Estate that is burdensome to the Estate or is of inconsequential value and benefit to the Estate. 11 U.S.C. § 554(b). Property in which the Estate has no equity is of inconsequential value and benefit. *Cf. Vu v. Kendall (In re Vu)*, 245 B.R. 644 (B.A.P. 9th Cir. 2000).

The Motion filed by Tawfik Yahia Algaferiy Saleh (“Debtor”) requests the court to order Michael D. McGranahan (“the Chapter 7 Trustee”) to abandon property identified as Debtor’s business Tawfik Saleh, DC, LAc (Acupuncture Chiropractic) and business assets, including:

Asset	Value / Exemption
Bank of America Business Checking, Account # 9354	\$3,416.02 / C.C.P. §703.140(b)(5)
Accounts Receivable	\$26,826.27 / C.C.P. §703.140(b)(5)
Business Equipment, Fixtures and Supplies	\$3,120.00 / C.C.P. §703.140(b)(6)

(“Property”). The Declaration of Tawfik Saleh has been filed in support of the Motion and values the Property at \$33,362.29.

The court finds that the debt secured by the Property exceeds the value of the Property and that there are negative financial consequences to the Estate caused by retaining the Property. The court determines that the Property is of inconsequential value and benefit to the Estate and orders the Chapter 7 Trustee to abandon the property.

CHAMBERS PREPARED ORDER

The court shall issue an Order (not a minute order) substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion to Compel Abandonment filed by Tawfik Yahia Algaferiy Saleh (“Debtor”) having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Motion to Compel Abandonment is granted, and the Property identified as Debtor’s business Tawfik Saleh, DC, LAc (Acupuncture Chiropractic) and business assets, including:

Asset
Bank of America Business Checking, Account # 9354
Accounts Receivable
Business Equipment, Fixtures and Supplies

and listed on Schedule A/B by Debtor is abandoned by the Chapter 7 Trustee, Michael D. McGranahan (“Trustee”) to Tawfik Yahia Algafery Saleh by this order, with no further act of the Trustee required.

2. [20-90157-E-7](#)
[BLF-2](#)

**JUAN PENA AND MARIA
PADILLA
Mark Nelson**

**MOTION TO EMPLOY TRANZON ASSET
STRATEGIES AS AUCTIONEER,
AUTHORIZING SALE OF PROPERTY AT
PUBLIC AUCTION AND AUTHORIZING
PAYMENT OF AUCTIONEER FEES AND
EXPENSES
5-26-20 [\[23\]](#)**

Tentative Ruling: Oral argument may be presented by the parties at the scheduled hearing, where the parties shall address the issues identified in this tentative ruling and such other issues as are necessary and appropriate to the court's resolution of the matter.

Below is the court's tentative ruling, rendered on the assumption that there will be no opposition to the motion. If there is opposition presented, the court will consider the opposition and whether further hearing is proper pursuant to Local Bankruptcy Rule 9014-1(f)(2)(C).

Local Rule 9014-1(f)(2) Motion—Hearing Required.

Sufficient Notice Provided. The Proof of Service states that the Motion and supporting pleadings were served on Debtors, Debtors' Attorney, Chapter 7 Trustee, creditors, parties requesting special notice, and Office of the United States Trustee on May 26, 2020. By the court's calculation, 23 days' notice was provided. 14 days' notice is required.

The Motion to Employ was properly set for hearing on the notice required by Local Bankruptcy Rule 9014-1(f)(2). Debtor, creditors, the Chapter 7 Trustee, the U.S. Trustee, and any other parties in interest were not required to file a written response or opposition to the motion. If any of these potential respondents appear at the hearing and offer opposition to the motion, the court will set a briefing schedule and a final hearing, unless there is no need to develop the record further. If no opposition is offered at the hearing, the court will take up the merits of the motion. At the hearing, -----.

The Motion to Employ is granted.

The Motion to Sell Property by Auction is granted.

Michael D. McGranahan ("Trustee") seeks to employ Tranzon Asset Strategies ("Auctioneer") pursuant to Local Bankruptcy Rule 9014-1(f)(1) and Bankruptcy Code Sections 328(a) and 330. Trustee seeks authority to employ Auctioneer to conduct an auction of certain property of the estate and authority to sell such property at auction.

Trustee argues that Auctioneer's appointment and retention is necessary to conduct an auction of a 2011 Honda CR-V LX Sport Utility ("Vehicle"). Under the Agreement, Auctioneer is to store the

Vehicle, advertise, and conduct an online auction. In exchange, the estate is responsible for all sale-related expenses, which are estimated to be \$250.00 for transport and title costs.

The Trustee will pay a commission of 10% of the gross proceeds of the sale, and the Auctioneer will be entitled to charge an additional buyer's premium of 10%. Debtor lists the value of the vehicle as being \$11,000 (rounding up). If sold for that, then the auctioneer would be receiving \$2,200.00 for selling the vehicle, and expenses of up to \$250.00. It is stated in the Auctioneer's Declaration that the auction sale price is estimated between \$6,000 and \$8,000, not the higher amount stated by the Trustee.

In substance, the Auctioneer is seeking to be paid 20% of the value of the property sold. Such may be appropriate for a modest auction sales proceeds not greater than \$2,425.00 - \$4,225.00, but may not be appropriate if this property of the bankruptcy estate sells for substantially more.

Lonny Papp, an Auctioneer and Vice President of Tranzon Asset Strategies, testifies that he has been retained by Trustee under the terms of the Auctioneer's Agreement to sell the Vehicle. Lonny Papp testifies that he and the company do not represent or hold any interest adverse to Debtor or to the Estate and that they have no connection with Debtor, creditors, the U.S. Trustee, any party in interest, or their respective attorneys.

Pursuant to § 327(a), a trustee or debtor in possession is authorized, with court approval, to engage the services of professionals, including attorneys, to represent or assist the trustee in carrying out the trustee's duties under Title 11. To be so employed by the trustee or debtor in possession, the professional must not hold or represent an interest adverse to the estate and be a disinterested person.

Section 328(a) authorizes, with court approval, a trustee or debtor in possession to engage the professional on reasonable terms and conditions, including a retainer, hourly fee, fixed or percentage fee, or contingent fee basis. Notwithstanding such approved terms and conditions, the court may allow compensation different from that under the agreement after the conclusion of the representation, if such terms and conditions prove to have been improvident in light of developments not capable of being anticipated at the time of fixing of such terms and conditions.

Taking into account all of the relevant factors in connection with the employment and compensation of Auctioneer, considering the declaration demonstrating that Auctioneer does not hold an adverse interest to the Estate and is a disinterested person, the nature and scope of the services to be provided, the court grants the motion to employ Tranzon Asset Strategies as Auctioneer for the Chapter 7 Estate on the terms and conditions set forth in the Auctioneer Agreement filed as Exhibit A, Dckt. 27.

Approval of the commission is subject to the provisions of 11 U.S.C. § 328 and review of the fee at the time of final allowance of fees for the professional.

Trustee's Request for Authority to Conduct Auction

The Bankruptcy Code permits Trustee to sell property of the estate after a noticed hearing. 11 U.S.C. § 363. Here, Trustee proposes to sell the personal property identified as: 2011 Honda CR-V LX Sport Utility Vehicle, VIN #2871 ("Vehicle").

Trustee proposes the sale be made via online auction with Tranzon Asset Strategies as the Auctioneer. Trustee states that the Property is not encumbered and proceeds, net of selling costs, will inure to the estate.

Request for Waiver of Fourteen-Day Stay of Enforcement

Federal Rule of Bankruptcy Procedure 6004(h) stays an order granting a motion to sell for fourteen days after the order is entered, unless the court orders otherwise. Trustee requests that the court grant relief from the Rule as adopted by the United States Supreme Court because the Trustee wishes to conduct the proposed sale as quickly as possible and keep administrative expenses to as minimum.

Trustee has pleaded adequate facts and presented sufficient evidence to support the court waiving the fourteen-day stay of enforcement required under Federal Rule of Bankruptcy Procedure 6004(h), and this part of the requested relief is granted.

DISCUSSION

At the time of the hearing, the court announced the proposed sale and requested that all other persons interested in submitting overbids present them in open court. At the hearing, the following overbids were presented in open court: **XXXXXXXXXXXX**.

Based on the evidence before the court, the court determines that the proposed sale is in the best interest of the Estate because the Property is not encumbered, and proceeds will inure to the estate after accounting for selling costs.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion to Employ filed by Michael D. McGranahan (“Trustee”) having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Motion to Employ is granted, and Trustee is authorized to employ Tranzon Asset Strategies as Auctioneer for Trustee on the terms and conditions as set forth in the Auction Agreement filed as Exhibit A, Dckt. 27.

IT IS FURTHER ORDERED that Trustee is authorized to sell at auction pursuant to 11 U.S.C. § 363(b) the property of the Estate identified as: 2011 Honda CR-V LX SUV, VIN #2871, (“Vehicle”) which is located at nonresidential property controlled by Auctioneer.

IT IS FURTHER ORDERED that compensation in the amount of 10% of the gross sales proceeds and a 10% commission for any successful auction sales for the vehicles listed in Exhibit 1 to be paid by the Trustee are authorized. Additionally, the Auctioneer may collect an additional 10% “buyer’s premium” directly from the

buyers, of which the Auctioneer may retain the 10% Buyer's premium on the first \$11,000 of aggregate gross sales proceeds, with all amount in excess thereof paid to the bankruptcy trustee. This is without prejudice to the auctioneer seeking payment of all or a portion of the Buyer's premium paid on the aggregate sale proceeds in excess of \$11,000.00.

The above percentage fees are subject to the provisions of 11 U.S.C. § 328.

IT IS FURTHER ORDERED that no hourly rate or other term referred to in the application papers is approved unless unambiguously so stated in this order or in a subsequent order of this court.

IT IS FURTHER ORDERED that the fourteen-day stay of enforcement provided in Federal Rule of Bankruptcy Procedure 6004(h) is not waived for cause.

Tentative Ruling: Oral argument may be presented by the parties at the scheduled hearing, where the parties shall address the issues identified in this tentative ruling and such other issues as are necessary and appropriate to the court’s resolution of the matter.

Below is the court’s tentative ruling, rendered on the assumption that there will be no opposition to the motion. If there is opposition presented, the court will consider the opposition and whether further hearing is proper pursuant to Local Bankruptcy Rule 9014-1(f)(2)(C).

Local Rule 9014-1(f)(2) Motion—Hearing Required.

Sufficient Notice Provided. The Proof of Service states that the Motion and supporting pleadings were served on Chapter 7 Trustee, Creditor, and Office of the United States Trustee on June 4, 2020. By the court’s calculation, 14 days’ notice was provided. 14 days’ notice is required.

The Motion to Avoid Judicial Lien was properly set for hearing on the notice required by Local Bankruptcy Rule 9014-1(f)(2). Debtor, creditors, the Chapter 7 Trustee, the U.S. Trustee, and any other parties in interest were not required to file a written response or opposition to the motion. If any of these potential respondents appear at the hearing and offer opposition to the motion, the court will set a briefing schedule and a final hearing, unless there is no need to develop the record further. If no opposition is offered at the hearing, the court will take up the merits of the motion. At the hearing, -----.

The Motion to Avoid Judicial Lien is granted.

This Motion requests an order avoiding the judicial lien of KelKris Associates, Inc., dba Credit Bureau Associates (“Creditor”) against property of the debtor, Julie M. Styles, formally known as Julie M. Hernandez, (“Debtor”) commonly known as 2255 Heritage Manor Drive, Riverbank, California (“Property”).

A judgment was entered against Debtor in favor of Creditor in the amount of \$15,517.44. Exhibit A, Dckt. 22. An abstract of judgment was recorded with Stanislaus County on July 30, 2012, that encumbers the Property. *Id.*

Pursuant to Debtor’s Schedule A, the subject real property has an approximate value of \$141,500.00 as of the petition date. Dckt. 1. The unavoidable consensual liens that total \$129,778.00 as of the commencement of this case are stated on Debtor’s Amended Schedule D. Dckt. 22. Debtor has claimed an exemption pursuant to California Code of Civil Procedure § 703.140(b)(1) in the amount of \$11,722.00 on Schedule C. Dckt. 1.

After application of the arithmetical formula required by 11 U.S.C. § 522(f)(2)(A), there is no equity to support the judicial lien. Therefore, the fixing of the judicial lien impairs Debtor's exemption of the real property, and its fixing is avoided subject to 11 U.S.C. § 349(b)(1)(B).

ISSUANCE OF A COURT-DRAFTED ORDER

An order (not a minute order) substantially in the following form shall be prepared and issued by the court:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion to Avoid Judicial Lien pursuant to 11 U.S.C. § 522(f) filed by Julie M. Styles, formally known as Julie M. Hernandez, ("Debtor") having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the judgment lien of KelKris Associates, Inc., dba Credit Bureau Associates, California Superior Court for Stanislaus County Case No. 669488, recorded on July 30, 2012, Document No. 2012-0066667-00, with the Stanislaus County Recorder, against the real property commonly known as 2255 Heritage Manor Drive, Riverbank, California, is avoided in its entirety pursuant to 11 U.S.C. § 522(f)(1), subject to the provisions of 11 U.S.C. § 349 if this bankruptcy case is dismissed.

Final Ruling: No appearance at the June 18, 2020 hearing is required.

Local Rule 9014-1(f)(1) Motion—Hearing Required.

Sufficient Notice Provided. The Proof of Service states that the Motion and supporting pleadings were served on Debtor, parties requesting special notice, and Office of the United States Trustee on May 14, 2020. By the court’s calculation, 35 days’ notice was provided. 35 days’ notice is required. FED. R. BANKR. P. 2002(a)(6) (requiring twenty-one days’ notice when requested fees exceed \$1,000.00); LOCAL BANKR. R. 9014-1(f)(1)(B) (requiring fourteen days’ notice for written opposition).

The Motion for Allowance of Professional Fees has been set for hearing on the notice required by Local Bankruptcy Rule 9014-1(f)(1). Failure of the respondent and other parties in interest to file written opposition at least fourteen days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995) (upholding a court ruling based upon a local rule construing a party’s failure to file opposition as consent to grant a motion). The defaults of the non-responding parties and other parties in interest are entered.

The Motion for Allowance of Professional Fees is granted.

Timothy Bowles, the Special Counsel (“Applicant”) for Mike Tamana Freight Lines, LLC, the Chapter 11 Debtor in Possession (“Client”), makes a First Interim Request for the Allowance of Fees and Expenses in this case. Applicant’s employment is to provide services in defending certain workplace-related post-petition claims being asserted by a former worker of the Debtor in Possession.

Fees are requested for the period January 16, 2020, through May 6, 2020. The order of the court approving employment of Applicant was entered on February 16, 2020. Dckt. 462. Applicant requests fees in the amount of \$17,142.75 and costs in the amount of \$11.50.

APPLICABLE LAW

Reasonable Fees

A bankruptcy court determines whether requested fees are reasonable by examining the circumstances of the attorney’s services, the manner in which services were performed, and the results of the services, by asking:

- A. Were the services authorized?

- B. Were the services necessary or beneficial to the administration of the estate at the time they were rendered?
- C. Are the services documented adequately?
- D. Are the required fees reasonable given the factors in 11 U.S.C. § 330(a)(3)?
- E. Did the attorney exercise reasonable billing judgment?

In re Garcia, 335 B.R. at 724 (citing *In re Mednet*, 251 B.R. at 108; *Leichty v. Neary (In re Strand)*, 375 F.3d 854, 860 (9th Cir. 2004)).

Lodestar Analysis

For bankruptcy cases in the Ninth Circuit, “the primary method” to determine whether a fee is reasonable is by using the lodestar analysis. *Marguiles Law Firm, APLC v. Placide (In re Placide)*, 459 B.R. 64, 73 (B.A.P. 9th Cir. 2011) (citing *Yermakov v. Fitzsimmons (In re Yermakov)*, 718 F.2d 1465, 1471 (9th Cir. 1983)). The lodestar analysis involves “multiplying the number of hours reasonably expended by a reasonable hourly rate.” *Id.* (citing *In re Yermakov*, 718 F.2d at 1471). Both the Ninth Circuit and the Bankruptcy Appellate Panel have stated that departure from the lodestar analysis can be appropriate, however. *See id.* (citing *Unsecured Creditors’ Comm. v. Puget Sound Plywood, Inc. (In re Puget Sound Plywood)*, 924 F.2d 955, 960, 961 (9th Cir. 1991) (holding that the lodestar analysis is not mandated in all cases, thus allowing a court to employ alternative approaches when appropriate); *Digesti & Peck v. Kitchen Factors, Inc. (In re Kitchen Factors, Inc.)*, 143 B.R. 560, 562 (B.A.P. 9th Cir. 1992) (stating that lodestar analysis is the primary method, but it is not the exclusive method)).

Reasonable Billing Judgment

Even if the court finds that the services billed by an attorney are “actual,” meaning that the fee application reflects time entries properly charged for services, the attorney must demonstrate still that the work performed was necessary and reasonable. *In re Puget Sound Plywood*, 924 F.2d at 958. An attorney must exercise good billing judgment with regard to the services provided because the court’s authorization to employ an attorney to work in a bankruptcy case does not give that attorney “free reign to run up a [professional fees and expenses] tab without considering the maximum probable recovery,” as opposed to a possible recovery. *Id.*; *see also Brosio v. Deutsche Bank Nat’l Tr. Co. (In re Brosio)*, 505 B.R. 903, 913 n.7 (B.A.P. 9th Cir. 2014) (“Billing judgment is mandatory.”). According to the Court of Appeals for the Ninth Circuit, prior to working on a legal matter, the attorney, or other professional as appropriate, is obligated to consider:

- (a) Is the burden of the probable cost of legal [or other professional] services disproportionately large in relation to the size of the estate and maximum probable recovery?
- (b) To what extent will the estate suffer if the services are not rendered?

(c) To what extent may the estate benefit if the services are rendered and what is the likelihood of the disputed issues being resolved successfully?

In re Puget Sound Plywood, 924 F.2d at 958–59 (citing *In re Wildman*, 72 B.R. 700, 707 (N.D. Ill. 1987)).

A review of the application shows that Applicant’s services for the Estate include defending workplace-related post-petition claims against the Debtor in Possession for alleged violations of California Labor Laws regarding compensation and workplace conditions. The court finds the services were beneficial to Client and the Estate and were reasonable.

FEES AND COSTS & EXPENSES REQUESTED

Fees

Applicant provides a task billing analysis and supporting evidence for the services provided, which are described in the following main categories.

State Court Litigation: Applicant spent 43.85 hours in this category. Applicant coordinated with opposing counsel regarding meeting deadlines for document production and responses; compiled and analyzed information on the claims the Petitioner has made against the Debtor in Possession; and worked to prove the Petitioner’s claims are groundless, also pushing opposing counsel to acknowledge their pre-litigation settlement value is lower than asserted in its first demand letter.

In Exhibit A Applicant provides a detailed billing statement, Dckt. 485, but does not provide a task billing analysis (breaking it down into task areas, such as meetings, discovery motions, discovery, motion for summary judgment, and the like). Since this is an Interim Application, the court will not hold up this Application for supplemental pleadings, confident that Applicant, working with the Debtor in Possession’s experienced bankruptcy counsel, will have such task billing analysis with future interim and final applications. ^{FN.1.}

FN.1. The court notes that both the Motion and Applicant’s declaration provide detailed, well drafted and clearly stated facts and grounds for the relief granted. The use of a task billing analysis is important for the court in considering a professional’s fees, which is more obvious when it is the general counsel for a debtor in possession. Such is also necessary for consideration of all application, and the court does not create a “sometimes necessary and sometimes not” standard. The court notes this to insure that Applicant and Debtor in Possession’s general counsel appreciate that the court appreciates the well drafted motion and supporting declarations.

The fees requested are computed by Applicant by multiplying the time expended providing the services multiplied by an hourly billing rate. The persons providing the services, the time for which compensation is requested, and the hourly rates are:

Names of Professionals and Experience	Time	Hourly Rate	Total Fees Computed Based on Time and Hourly Rate
Timothy Bowles	26.90	\$525.00	\$14,122.50
Cynthia Bamforth	0.2	\$420.00	\$84.00
Margaret Alexandre	3.05	\$195.00	\$594.75
Daniska Coronado	11.5	\$195.00	\$2,242.50
Geneva White	2.2	\$45.00	\$99.00
	0	\$0.00	<u>\$0.00</u>
Total Fees for Period of Application			\$17,142.75

Costs & Expenses

Applicant also seeks the allowance and recovery of costs and expenses in the amount of \$11.50 pursuant to this application.

The costs requested in this Application are,

Description of Cost	Per Item Cost, If Applicable	Cost
Copying		\$11.50
		\$0.00
Total Costs Requested in Application		\$11.50

FEES AND COSTS & EXPENSES ALLOWED

Fees

The court finds that the hourly rates are reasonable and that Applicant effectively used appropriate rates for the services provided. First Interim Fees in the amount of \$17,142.75 are approved pursuant to 11 U.S.C. § 331, and subject to final review pursuant to 11 U.S.C. § 330, and authorized to be paid by the Chapter 11 Debtor in Possession funds of the Estate in a manner consistent with the order of distribution in a Chapter 11 case.

Costs & Expenses

First Interim Costs in the amount of \$11.50 pursuant to 11 U.S.C. § 331 and subject to final review pursuant to 11 U.S.C. § 330 are approved and authorized to be paid by the Chapter 11 Debtor in

Possession from the available funds of the Estate in a manner consistent with the order of distribution in a Chapter 11 case.

Applicant is allowed, and the court approves payment of fees and costs in the amount of \$15,000.00 from the funds paid by Debtor in Possession as a post-petition retainer and the Chapter 11 Debtor in Possession is authorized to pay the remaining \$2,154.25 balance directly.

pursuant to this Application as interim fees pursuant to 11 U.S.C. § 331 in this case.

The court shall issue an order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion for Allowance of Fees and Expenses filed by Timothy Bowles (“Applicant”), Attorney for Mike Tamana Freight Lines, LLC, the Chapter 11 Debtor in Possession, (“Client”) having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that Timothy Bowles is allowed the following fees and expenses as a professional of the Estate:

Timothy Bowles, Professional employed by the Chapter 11 Debtor in Possession

Fees in the amount of \$17,142.75
Expenses in the amount of \$11.50,

as an interim allowance of fees and expenses pursuant to 11 U.S.C. § 331 and subject to final review and allowance pursuant to 11 U.S.C. § 330.

IT IS FURTHER ORDERED that Timothy Bowles, Professional employed by the Chapter 11 Debtor in Possession, is authorized to apply the funds held in trust for Debtor in Possession:

Fees and expenses in the amount of \$15,000.00.

IT IS FURTHER ORDERED that Mike Tamana Freight Lines, LLC, the Chapter 11 Debtor in Possession, is authorized to pay directly to Applicant the following:

Fees in the amount of \$2,154.25.