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4
5 UNITED STATES BANKRUPTCY COURT

6 EASTERN DISTRICT OF CALIFORNIA

7
8 In re

Case No. 02-10465-A-7
(Jointly Administered Cases)

9
10 SAMMYE A. RICHARDSON
(MICHAEL AMIR RICHARDSON,
11 Case No. 10810-A-7),

12 Debtor.

FINDINGS OF FACT AND
CONCLUSIONS OF LAW RE
FINAL FEE APPLICATIONS
OF RANDELL PARKER, TRUDI
MANFREDO, AND DENNIS BEAN &
CO.

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14 _____/
15
16 Randell Parker, Chapter 7 Trustee, Trudi Manfredo (trustee's
17 attorney, and Dennis Bean & Co. (trustee's accountant) have all
18 filed final fee applications under 11 U.S.C. § 330. Sammye A.
19 Richardson, the debtor, filed an opposition to the requested
20 compensation. She did not appear at the hearing on the
21 applications, which was held July 19, 2006. The court took the
22 matter under submission after the hearing. This memorandum
23 contains findings of fact and conclusions of law required by
24 Federal Rule of Bankruptcy Procedure 7052 and Federal Rule of
25 Civil Procedure 52. This is a core proceeding as defined in 28
26 U.S.C. §157(b)(2)(A) and (O).

27
28 The maximum compensation to the trustee pursuant to 11

1 U.S.C. § 326(a) is \$58,458.41. The trustee requests that
2 amount in his request for compensation. He requests
3 reimbursement of expenses in the amount of \$1,122.60. Dennis
4 Bean & Co. requests compensation of \$11,076.20 and reimbursement
5 of expenses in the amount of \$116.79. Trudi Manfredo requests
6 compensation in the amount of \$130,418.75 plus reimbursement of
7 expenses in the amount of \$17,940.49.
8

9 These applications are governed by 11 U.S.C. § 330(a). That
10 section provides for reasonable compensation for actual,
11 necessary services and for reimbursement for actual, necessary
12 expenses. In determining the amount of reasonable compensation,
13 the court is to consider the nature, extent, and value of the
14 services. The court is to take into account the time spent; the
15 rates charged; whether the services were necessary to the
16 administration of the estate or beneficial to it at the time the
17 services were rendered; whether they were performed within a
18 reasonable amount of time given the complexity, importance and
19 nature of the problem; and whether the compensation is reasonable
20 based on customary compensation charged by comparably skilled
21 practitioners in nonbankruptcy cases. The court is not to allow
22 compensation for unnecessary duplication or services not likely
23 to benefit the estate or necessary to the administration of the
24 case. Additionally, compensation to a trustee is governed by the
25 formula in 11 U.S.C. § 326.
26
27
28

1 Dennis Bean & Co.

2 Dennis Bean & Co. was employed as the CPA for the estate.
3 Given the length and complexity of this case and the number of
4 assets sold by the trustee, fees of \$11,076.20 and expenses of
5 \$116.79 are reasonable and shall be allowed.

6
7 Randell Parker, Trustee.

8 Randell Parker is the chapter 7 trustee in the case. He has
9 filed detailed time records describing the time he spent in the
10 case. The total time spent was, through April 3, 2006,
11 \$52,854.20 at a billing rate of between \$150 and \$230 per hour.
12 The trustee raised his hourly rate during the pendency of the
13 case. The maximum compensation allowable under § 326(a) to a
14 chapter 7 trustee, based on the total disbursements in the case,
15 is \$58,458.41. Due to the complexities and difficulties of this
16 case, which will be described in greater detail below, it is
17 appropriate to allow to the trustee the maximum compensation
18 under § 326(a). Additionally, the trustee's reasonable and
19 necessary expenses in the amount of \$1,122.60 will be awarded.

20
21 Trudi Manfredo, Attorney for Trustee.

22 The trustee's attorney has filed copies of time records
23 divided into project categories in this case. Manfredo's
24 employment by the bankruptcy trustee was approved May 9, 2002,
25 and her services began April 19, 2002. Since that time, like the
26 trustee and the accountant, she has received no compensation.
27
28

1 She requests compensation at her hourly rate of \$175 per hour.
2 Although she has raised her hourly rate during the pendency of
3 the case, she has not raised it for this case. A narrative
4 summary of the work performed in the case is Exhibit "A" to the
5 application. That narrative summary describes succinctly the
6 difficulties and complexities of this case.
7

8 "This case was highly contested by both Debtors Sammye and
9 Michael Richardson and involved approximately 108 pieces of
10 real property that the Debtors had transferred at various
11 times to various insiders. For practically every action
12 brought by the Trustee, Debtors filed literally thousands of
13 pages. In many cases it was impossible to tell what relief
14 the Debtors were seeking or to what motion or adversary
15 proceeding the pleadings applied. Throughout the case,
16 Debtors largely ignored all procedural statutes and rules
17 which increased the burden on the Court and Trustee. Many
18 times the Trustee and Trustee's counsel were not even served
19 with documents filed by Debtor. The Court was forced to
20 issue many orders sua sponte.

21 The Debtors also filed inaccurate schedules and never
22 attended a meeting of creditors. This made investigating
23 assets extremely difficult. The Debtor brought multiple
24 lawsuits in the District court of Arizona naming the
25 Trustee, Counsel for the Trustee, Trustee's Brokers,
26 Realtors, Title companies, the Bankruptcy Judges, the
27 Eastern District of California Judges, the United States
28 Trustee Attorneys, etc. Numerous unsuccessful appeals were
filed by the Debtors as well. The debtors were so
obstructive during this case that many realtors and title
companies refused to handle any more sales for the trustee.
During the sale of real properties, frequently buyers backed
out of sales due to threats of litigation by the Debtor."

The lack of information provided by the Debtor and the
litigiousness of the Debtor made this case far more expensive for
the estate than it otherwise would have been. It was difficult
of the Trustee to determine the extent of the Debtor's assets

because the schedules were inaccurate and unintelligible and the Debtor never attended a meeting of creditors.

The only opposition to approval of the fees was filed by the Debtor Sammye A. Richardson. The Court will overrule that opposition. Particularly within the context of this difficult case, the compensation requested by counsel for the trustee is reasonable within the meaning of § 330(a). Despite the obstacles placed in their path, the trustee and his attorney managed to locate and disburse \$1,183,613.54.

The application of Trudi Manfredo for allowance of compensation in the amount of \$130,418.75 and reimbursement of expenses in the amount of \$17,940.49 will be granted by separate order.

DATED: July 24, 2006.

_____/S/_____
WHITNEY RIMEL, Judge
United States Bankruptcy Court