

SAMPAIR & WALDRIP, P.C.
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Applicant

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF ARIZONA**

In Re:)	In Proceedings Under Chapter 13
)	
MICHAEL THOMAS HERZOG,)	CASE NO. 2:05-14971-RJH
)	
)	APPLICATION FOR PAYMENT
)	OF ADMINISTRATIVE EXPENSE
Debtor.)	
_____)	

Applicant, Wade F. Waldrip, respectfully represents:

1.

That Applicant has acted as the attorney of record for the Debtor in this matter since its inception, having been employed by the Debtor for that purpose.

2.

Attached hereto as Exhibit "A" and made a part hereof by this reference is a chronological history of services rendered the Debtor by Applicant, relative to the present matter.

3.

At the time he undertook the representation of the Debtor herein, Applicant billed at the rate of \$250.00 per hour. Paralegal billed at the rate of \$140.00 per hour.

4.

The aggregate value of services rendered the Debtor relative to this matter is currently \$10,453.75.

5.

The following amounts have been expended or incurred as expenses in connection with the Debtor's case, for which Applicant also seeks payment \$18.25.

6.

No compensation has been received by Applicant for such costs and services, from the Debtor or any other person, except \$3,000.00 + 194.00 filing fee.

7.

All services for which compensation is requested were performed by the undersigned in connection with the Debtor's bankruptcy case and were not for services in any other matter. All services delineated on Exhibit "A" were personally performed by the Applicant herein.

Wherefore, Applicant requests that he be allowed an administrative expense in the amount of \$7,259.75 out of Debtor's Chapter 13 Plan payments, including associated costs totaling \$18.25.

Respectfully submitted this 7th day of April 2006.

/s/ Wade F. Waldrip
Wade F. Waldrip
Applicant.

EXHIBIT "A"

I, Wade F. Waldrip, hereby swear and affirm the following facts are true and correct to the best of my knowledge:

1. I am the attorney who represents the Debtor in this action.
2. A major portion of my practice is in the area of Bankruptcy. I have practiced in this area of law since 1989.
3. The work which I have performed and the number of hours that it has taken area as follows:

DATE:		HOURS/MINUTES
7/30/05:	Office consult w/Debtor	N/C
8/9/05:	Receive and review IRS notice re: personal meeting to discuss client's tax liability	.25
8/12/05:	Prepare Debtor's Bankruptcy Schedules (paralegal rate)	2.5
8/16/05:	Draft letter to Russell Nelsen (IRS) re: Debtor's Bankruptcy Filing	.5
8/24/05:	Receive call from Debtor re: questions regarding status	.2
8/25/05:	Research Kelly Blue Book re: value of '97 Lexus	.25
8/25/05:	Review Kelly Blue Book re: value of '93 Lexus	.25
8/25/05:	Research Kelly Blue Book re: value of '86 Ford Pickup	.25
8/30/05:	Prepare Certificate of Service and Proof of Notice re: Chapter 13 Plan (paralegal rate)	1.00
9/3/05:	Receive and Review ADOR POC	.25
9/28/05:	Prepare Amended certificate of Service and Proof of Notice	N/C
9/28/05:	Attend Debtor's Creditors' Meeting	1.5

9/29/05:	Receive t/c from Connie Willis (IRS) re: Debtor's marital status	.2
9/30/05:	Receive and Review from Debtor email re: tax obligation	.25
10/3/05:	Draft letter to Russell Brown re: questions regarding Debtor's status as W'2 wage earner	.5
10/3/05:	Draft letter to Connie Willis @ IRS re: tax obligation of Lindsey Herzog	.5
10/6/05:	Receive and Review ADOR POC	.25
10/12/05:	Receive and Review letter from Linda Kitrell (IRS) re: my letter of Oct. 3 rd	.25
10/20/05:	Draft letter to Linda Kittrell @ IRS re: her letter of Oct. 12 th	.5
10/26/05:	Receive and Review ADOR POC	.25
10/31/05:	Receive and review IRS POC	.5
11/1/05:	Receive and review Motion for AP (WFS Financial)	.2
11/1/05:	Draft letter to client re: WFS Motion	.5
11/2/05:	Receive and review Notice of Appearance re: Paul Weich (WFS Financial); request for AP	.25
11/12/05:	Receive and review POC from Saxon Mortgage Services	.25
11/13/05:	Fax copy of Trustee's Rec. to Debtor (paralegal rate)	.25
11/16/05:	Draft letter to client re: his question regarding adequate protection	.5
11/16/05:	Receive and review correspondence from IRS re: Debtor's 2004 tax liability	.2
11/22/05:	Call from Onyx Acceptance re: What are Debtor's intentions re: '93 Lexus?	.2
11/22/05:	Receive and review 2 nd POC from Saxon Mortgage Services	.25
11/23/05:	Receive and review Certificate of Service re: WFS AP	N/C
12/18/05:	Call to Debtor re: '93 Lexus	.2

12/20/05:	Call to Joyce @ Ascension Capital re: Debtor's '93 Lexus	.2
12/16/05:	Receive call from Onyx Acceptance re: What is status of Debtor's '93 Lexus	.2
12/16/05:	Receive call from Joyce @ Ascension Capital re: client is over 100 days in arrearage on Lexus payment	.2
12/17/05:	Placed call to client re: Status of Lexus. Client: car totaled previous week.	.2
12/19/05:	Call to Onyx Acceptance re: above	.2
1/2/06:	Receive and Review Trustee's Rec.	1.00
1/2/06	Receive and Review Order Granting AP (WFS)	N/C
1/5/06:	Receive and Review amended expense statement from Debtor	5
1/5/06:	Receive and review letter from Joyce O'connell (Ascension Capital) re: Debtor's account	.2
1/6/06:	Receive and review fax from Kristine @ Tiffany & Bosco re: SOC	.5
1/11/06:	Secure electronic copy of claims register (paralegal rate)	.2
1/11/06:	Review electronic copy of claims register.	.5
1/11/06:	Receive call from Joyce @Ascension Capital re: Amended POC.	2
1/11/06:	Draft letter to client re: Trustee's Recommendation	.5
1/14/06:	Receive and review email from debtor re: Trustee's Rec.	.75
1/17/06:	Receive and review email from debtor re: possibility of divorce	.25
1/17/06:	Respond to debtor's email of this same date	.5
1/19/06:	Draft Motion to approve sale of real property	.75
1/19/06:	Receive and review bank statements, income information, and budget from debtor.	1.25

1/19/06:	Draft Motion to Extend Time to submit SOC	.5
1/20/06:	Receive t/c from Debtor re: Motion to Extend Time	.2
1/23/06:	Draft and send email to client re: revised updated income figures	.5
1/23/06:	Receive t/c Debtor re: my email of this date	.2
1/24/06:	Receive and review email from client re: Possible separation/ divorce.	.25
1/24/06:	Perform necessary calculations re: Chapter 13 Plan	1.5
1/24/06:	Respond to Debtor's recent email re: Plan payment	.25
1/26/06:	Place call to Kristine Berry re: language to be incorporated into SOC	.2
1/29/06:	Receive and review Order Granting AP (WFS Financial)	.2
1/30/06:	Return call of Melina @ Allstate re: Payment of Claim	.2
2/2/06:	Compute and Draft amended schedules I & J	1.00
2/6/06:	Placed two calls to Melinda and Joyce re: Onyx Acceptance	.4
2/6/06:	Receive and review correspondence from Ascension Capital re: its claim; mail copy of same to Debtor w/note	.25
2/7/06:	Receive call from Melinda Carter (Allstate) re: Payment of Claim	.2
2/10/06:	Receive call from Joyce (Ascension Capital) re: Secured Claim	.2
2/14/06:	Receive call from Joyce @ Ascension Capital re: Payment of Claim	.2
2/14/06:	Receive and review email from client re: IRS tax liability	.2
2/20/06:	Receive and review POC from Onyx Acceptance	.25
2/22/06:	Draft letter to IRS District Counsel re: SOC	.5
2/22/06:	Placed two calls to client re: Amended Tax Returns	.4
2/22/06:	Draft SOC; send to ADOR w/cover letter	1.75

2/24/06	Hand file debtor's un-filed tax returns	
1.5		
2/28/06:	Draft cover letter; send SOC to Linda Kittrell @ IRS	.5
2/28/06:	Draft letter to client re: Revised SOC	.5
2/28/06:	Receive and review IRS POC	.25
2/28/06:	Re-compute SOC	1.00
2/30/06:	Prepare Order re: Sale of Property; Mail to Kristine Berry w/cover letter.	1.25
3/1/06:	Draft 2 nd Motion to Extend Time re: SOC	.5
3/6/06:	Notice out Fee App (paralegal rate)	.5
3/6/06:	Receive and Review ADOR POC	.25
3/7/06:	Receive and review signed SOC from IRS	.2
3/11/06:	Draft cover letter; convey revised SOC to Atty General's Office	.5
3/20/06:	Draft cover letter; convey SOC to Trustee	.5
3/28/06:	Review file/Prepare Fee App	1.25
3/29/06:	CF Debtor re: Paying off Plan early	.2
4/3/06:	Receive 2 calls from Debtor re: Order Authorizing Sale of Home	.4
4/3/06:	Fax copy of signed order to Debtor	.2
4/3/06:	Receive email from Caprice West re: payoffs on 1 st & 2 nd Mortgages	.2
4/3/06:	Check claim register; send responsive email to Caprice West with requested information.	.5

Fees:

Attorney Hours 40.65 x \$250.00 per hour	\$ 10,162.50
Paralegal Hours 1.95 x \$140.00 per hour	\$ 273.00

Costs:

Postage	\$ 6.75
Photocopies	\$ 11.50

Less retainer previously received from Debtor	\$ <3,194.00>
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UNPAID FEES AND COSTS	<u>\$ 7,259.75</u>
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