

SIGNED.

Dated: January 7, 2013



*James M. Marlar*

James M. Marlar, Chief Bankruptcy Judge

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7 **UNITED STATES BANKRUPTCY COURT**  
8 **DISTRICT OF ARIZONA**

9 In re:

10 EVERARDO QUINTERO-FAVELA,

11 Debtor.

Chapter 7

No. 0:12-bk-18101-JMM

**MEMORANDUM DECISION**

12  
13 **INTRODUCTION**  
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15 Before the court is the Trustee's motion for disgorgement of excess or unreasonable fees  
16 paid to Debtor's attorney (ECF No. 15). This court has the authority to review fees paid to  
17 Debtor's counsel pursuant to 11 U.S.C. § 329. After notice and hearing and review of the entire  
18 case, this court now rules.

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20 **PROCEDURE**  
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22 This case presents a "core" proceeding to the court. 28 U.S.C. § 157(b)(2)(A).  
23

24 **FACTS**  
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26 The Debtor filed her Chapter 7 petition on August 13, 2012. The Debtor's schedules  
27 showed:  
28

- 1 • No real property;
- 2 • A small, routine amount of personal property, including two vehicles (neither
- 3 listed as exempt in Schedule C);
- 4 • No secured creditors;
- 5 • Seventeen unsecured creditors with debts totaling \$34,549;
- 6 • Only 5 of 39 questions were answered in the statement of financial affairs (the
- 7 rest being answered "none");

8  
9 After the Trustee held the § 341(a) meeting, and began pursuit of the non-exempt  
10 vehicles, Debtors' counsel filed a flurry of pleadings designed to save the vehicles for the  
11 Debtors, and accomplish what should have been done in the originally-filed schedules. This  
12 was sloppy at best, incompetent at worst.

13  
14 **CONCLUSION**

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16 Debtor's counsel received a fee of \$2,380 for this minimalist effort. A reasonable fee  
17 would be \$1,500. Counsel shall disgorge \$880 to the Trustee for distribution to creditors. This  
18 shall be done within 30 days. Once received, the Trustee shall file a receipt with the court. A  
19 final order will be separately entered. Any appeal must be filed within 14 days after its entry  
20 on the docket. FED. R. BANKR. P. 8002.

21  
22 DATED AND SIGNED ABOVE.

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24 To be NOTICED by the BNC ("Bankruptcy Noticing Center") to:

25 Attorney for Debtor  
26 Debtor  
27 Trustee  
28 Office of the U.S. Trustee