

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

IN RE:)
FERTITTA, JAMES MARTIN) CASE NO. 01-11363
FERTITTA, SANDRA REVIEA)
DEBTOR(S)) CHAPTER 7

**TRUSTEE'S FINAL REPORT, APPLICATION FOR COMPENSATION
AND REPORT OF PROPOSED DISTRIBUTION**

Stephen J. Zayler, the Trustee of the estate of the above-named Debtor(s), certifies under penalty of perjury, to the Court and the United States Trustee, that the trustee has faithfully and properly fulfilled the duties of his office, that the Trustee has examined all proofs of claims as appropriate in preparation for the proposed distribution, and that the proposed distribution attached herewith is proper and consistent with the law and rules of the court. The Trustee hereby applies for commission and expenses set forth herein and states that they are reasonable and proper.

I hereby authorize the Office of the United States Trustee to file by electronic means this Trustee's Final Report, Application for Compensation and Report of Proposed Distribution on my behalf, and I agree and acknowledge that the designation of my signature on this document, once filed, constitutes my valid signature for the purposes of 11 U.S.C. §704(9) and Fed. R. Bankr. Pro. 9011.

Therefore, the Trustee respectfully requests that the Final Report, Application for Compensation, and Report of Proposed Distribution be approved.

DATE: March 3, 2004

/s/ Stephen J. Zayler
Stephen J. Zayler
Trustee

REVIEWED BY THE UNITED STATES TRUSTEE:

I have reviewed the Trustee's Final Report, Application for Compensation, and Report of Proposed Distribution.

United States Trustee

Date: _____

By: _____

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

IN RE:)
FERTITTA, JAMES MARTIN) CASE NO. 01-11363
FERTITTA, SANDRA REVIEA)
DEBTOR(S)) CHAPTER 7

**TRUSTEE'S FINAL REPORT, APPLICATION FOR COMPENSATION
AND APPLICATION TO CLOSE CASE AND DISCHARGE TRUSTEE**

The Trustee of the estate presents the following final report:

1. The Trustee applies for commissions and expenses set forth herein: That they are reasonable and proper; that in the course of the performance of duties, the Trustee has advanced monies from personal funds for expenses, and that the Trustee has not been reimbursed or indemnified.
2. The Trustee submits Schedule F as a summary of the assets and an estate property record. Any property scheduled under 11 U.S.C. Sec. 521(1) and not administered shall be deemed abandoned pursuant to 11 U.S.C. Sec. 554(c).
3. The Trustee has reduced all assets of this estate to cash or otherwise lawfully disposed of them, and the estate is ready to be closed.
4. The Trustee submits Schedule A as the account of estate cash receipts and disbursements.
5. There is no agreement or understanding between the Trustee and any other person for a division of the compensation sought by this application except as permitted by the Bankruptcy Code.
6. The Trustee requests approval of this final report.
7. The Trustee has examined each and every claim filed and noted his approval of claims as filed, or he has filed objections to allowance or requests for reclassification.
8. The Trustee further requests that after final distribution of all monies in accordance with the Trustee's Report of Final Distribution, and upon filing of A Supplemental Final Report and Account and certification by the U.S. Trustee the trustee be discharged from office and that the case be closed.

I declare under penalty of perjury that this Report and attached Schedules are true and correct to the best of my knowledge and belief.

Dated: March 3, 2004

/s/ Stephen J. Zayler

Stephen J. Zayler Trustee

SCHEDULE A-1

FINAL ACCOUNT AS OF March 3, 2004

| | | |
|-----------------------|----------|-------------|
| A. RECEIPTS | | \$19,569.20 |
| | | |
| B. DISBURSEMENTS | | |
| (1) Secured creditors | 0.00 | |
| (2) Administrative | 4,025.54 | |
| (3) Priority | 0.00 | |
| (4) Other | 0.00 | |
| TOTAL DISBURSEMENTS | | \$4,025.54 |
| | | <hr/> |
| BALANCE OF FUNDS | | \$15,543.66 |

FORM 1
INDIVIDUAL ESTATE PROPERTY RECORD AND REPORT
ASSET CASES

Case No: 01-11363 BP1 Judge: BILL PARKER
Case Name: FERTITTA, JAMES MARTIN
FERTITTA, SANDRA REVIEA
For Period Ending: 03/03/04

Trustee Name: Stephen J. Zayler
Date Filed (f) or Converted (c): 06/29/01 (f)
341(a) Meeting Date: 08/13/01
Claims Bar Date: 01/14/02

| 1 | 2 | 3 | 4 | 5 | 6 |
|--|------------------------------------|---|---|---|---|
| Asset Description (Scheduled and Unscheduled (u) Property) | Petition/ Unscheduled Values | Estimated Net Value (Value Determined by Trustee, Less Liens, Exemptions, and Other Costs) | Property Abandoned OA=554(a) Abandon DA=554(c) Abandon | Sale/Funds Received by the Estate | Asset Fully Administered (FA)/ Gross Value of Remaining Assets |
| 1. HOMESTEAD | 90,000.00 | 0.00 | | 0.00 | FA |
| 2. CASH ON HAND | 125.00 | 125.00 | DA | 0.00 | FA |
| 3. HOUSEHOLD GOODS | 1,970.00 | 0.00 | | 0.00 | FA |
| 4. PICTURES AND COIN COLLECTION | 300.00 | 0.00 | | 0.00 | FA |
| 5. WEARING APPAREL | 400.00 | 0.00 | | 0.00 | FA |
| 6. JEWELRY | 900.00 | 0.00 | | 0.00 | FA |
| 7. FIREARMS & SPORTS EQPT. | 450.00 | 0.00 | | 0.00 | FA |
| 8. LIFE INSURANCE | 6,000.00 | 0.00 | | 0.00 | FA |
| 9. IRA | 130,000.00 | 0.00 | | 0.00 | FA |
| 10. 1996 GT MUSTANG | 12,000.00 | 0.00 | | 0.00 | FA |
| 11. 1993 POINTIAC BONEVILLE | 3,500.00 | 0.00 | | 0.00 | FA |
| 12. 1992 CHEVY LUMINA VAN Agreed to Reimburse \$2,000 (amount vehicle was sold for) | 2,500.00 | 2,500.00 | DA | 2,000.00 | FA |
| 13. COMPUTER | 300.00 | 0.00 | | 0.00 | FA |
| 14. MINERAL INTERESTS (u) | 0.00 | 2,100.00 | | 2,100.00 | FA |
| 15. Post-Petition Interest Deposits (u) | Unknown | N/A | | 74.40 | Unknown |
| 16. TAX REFUND (u) | Unknown | 11,626.13 | | 13,003.14 | FA |
| 17. CHECKING ACCOUNT (u) DEBTOR TO REIMBURSE THIS UNSCHEDULED AMOUNT | 2,391.66 | 2,391.66 | | 2,391.66 | FA |

| | | | | |
|-----------------------------------|---------------|--------------|--------------|-----------------------------------|
| | | | | Gross Value of Remaining Assets |
| TOTALS (Excluding Unknown Values) | \$ 250,836.66 | \$ 18,742.79 | \$ 19,569.20 | \$0.00 |
| | | | | (Total Dollar Amount in Column 6) |

Major activities affecting case closing which are not reflected above, and matters pending, date of hearing or sale, and other action:

FORM 1
INDIVIDUAL ESTATE PROPERTY RECORD AND REPORT
ASSET CASES

Case No: 01-11363 BP1 Judge: BILL PARKER
Case Name: FERTITTA, JAMES MARTIN
FERTITTA, SANDRA REVIEA

Trustee Name: Stephen J. Zayler
Date Filed (f) or Converted (c): 06/29/01 (f)
341(a) Meeting Date: 08/13/01
Claims Bar Date: 01/14/02

Initial Projected Date of Final Report (TFR): 09/30/02

Current Projected Date of Final Report (TFR): 09/30/04

FORM 2

ESTATE CASH RECEIPTS AND DISBURSEMENTS RECORD

Case No: 01-11363 BP1
 Case Name: FERTITTA, JAMES MARTIN
 FERTITTA, SANDRA REVIEA
 Taxpayer ID No: *****5963
 For Period Ending: 03/03/04

Trustee Name: Stephen J. Zayler
 Bank Name: BANK OF AMERICA
 Account Number: *****2947 Checking - Non Interest

Blanket Bond (per case limit): \$ 300,000.00
 Separate Bond (if applicable):

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|------------------|--------------------|-------------------------------|-----------------------------------|---------------|--------------------|----------------------|
| Transaction Date | Check or Reference | Paid To / Received From | Description Of Transaction | Deposits (\$) | Disbursements (\$) | Account Balance (\$) |
| | | | BALANCE FORWARD | | | 0.00 |
| 02/25/04 | | Transfer from Acct #*****5662 | Transfer In From MMA Account | 13,152.00 | | 13,152.00 |
| 02/27/04 | 17 | JIMMY FERTITTA | REIMBURSEMENT OF FUNDS ON DEPOSIT | 2,391.66 | | 15,543.66 |

| | | | |
|---------------------------|------------------|-------------|-----------|
| COLUMN TOTALS | 15,543.66 | 0.00 | 15,543.66 |
| Less: Bank Transfers | <u>13,152.00</u> | <u>0.00</u> | |
| Subtotal | 2,391.66 | 0.00 | |
| Less: Payments to Debtors | | <u>0.00</u> | |
| Net | 2,391.66 | 0.00 | |

Page Subtotals 15,543.66 0.00

FORM 2

ESTATE CASH RECEIPTS AND DISBURSEMENTS RECORD

Case No: 01-11363 BP1
 Case Name: FERTITTA, JAMES MARTIN
 FERTITTA, SANDRA REVIEA
 Taxpayer ID No: *****5963
 For Period Ending: 03/03/04

Trustee Name: Stephen J. Zayler
 Bank Name: BANK OF AMERICA
 Account Number: *****5662 Money Market - Interest Bearing

Blanket Bond (per case limit): \$ 300,000.00
 Separate Bond (if applicable):

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|------------------|--------------------|---|----------------------------------|---------------|--------------------|----------------------|
| Transaction Date | Check or Reference | Paid To / Received From | Description Of Transaction | Deposits (\$) | Disbursements (\$) | Account Balance (\$) |
| | | | BALANCE FORWARD | | | 0.00 |
| 02/26/02 | 14 | JAMES AND SANDRA FERTITTA | PROCEEDS FROM MINERAL INTEREST | 2,100.00 | | 2,100.00 |
| 03/29/02 | 15 | BANK OF AMERICA | Interest Rate 1.200 | 1.95 | | 2,101.95 |
| 04/30/02 | 15 | BANK OF AMERICA | Interest Rate 1.200 | 2.07 | | 2,104.02 |
| 05/31/02 | 15 | BANK OF AMERICA | Interest Rate 1.200 | 2.14 | | 2,106.16 |
| 06/28/02 | 15 | BANK OF AMERICA | Interest Rate 1.200 | 2.07 | | 2,108.23 |
| 07/31/02 | 15 | BANK OF AMERICA | Interest Rate 1.200 | 2.16 | | 2,110.39 |
| 08/13/02 | 12 | JAMES MARTIN FERTITTA 5878 MEADOW WAY BEAUMONT, TX 77707-1832 | Refund from sale of Asset | 500.00 | | 2,610.39 |
| 08/30/02 | 15 | BANK OF AMERICA | Interest Rate 1.200 | 2.41 | | 2,612.80 |
| 09/30/02 | 12 | JAMES FERTITTA | REIMBURSEMENT FROM SALE OF ASSET | 500.00 | | 3,112.80 |
| 09/30/02 | 15 | BANK OF AMERICA | Interest Rate 1.200 | 2.58 | | 3,115.38 |
| 10/31/02 | 15 | BANK OF AMERICA | Interest Rate 1.200 | 3.14 | | 3,118.52 |
| 11/29/02 | 15 | BANK OF AMERICA | Interest Rate 0.850 | 2.53 | | 3,121.05 |
| 12/31/02 | 15 | BANK OF AMERICA | Interest Rate 0.850 | 2.26 | | 3,123.31 |
| 01/31/03 | 15 | BANK OF AMERICA | Interest Rate 0.850 | 2.25 | | 3,125.56 |
| 02/24/03 | 16 | JAMES FERTITTA | REIMBURSEMENT OF TAX REFUND | 13,003.14 | | 16,128.70 |
| 02/28/03 | 15 | BANK OF AMERICA | Interest Rate 0.850 | 2.04 | | 16,130.74 |
| 03/05/03 | 12 | JAMES FERTITTA | REFUND FROM SALE OF ASSET | 1,000.00 | | 17,130.74 |
| 03/31/03 | 15 | BANK OF AMERICA | Interest Rate 0.500 | 7.01 | | 17,137.75 |
| 04/30/03 | 15 | BANK OF AMERICA | Interest Rate 0.500 | 7.04 | | 17,144.79 |
| 05/30/03 | 15 | BANK OF AMERICA | Interest Rate 0.500 | 7.28 | | 17,152.07 |
| 06/30/03 | 15 | BANK OF AMERICA | Interest Rate 0.500 | 7.05 | | 17,159.12 |
| 07/31/03 | 15 | BANK OF AMERICA | Interest Rate 0.200 | 2.91 | | 17,162.03 |
| 08/29/03 | 15 | BANK OF AMERICA | Interest Rate 0.200 | 2.91 | | 17,164.94 |
| 09/30/03 | 15 | BANK OF AMERICA | Interest Rate 0.200 | 2.83 | | 17,167.77 |
| 10/31/03 | 15 | BANK OF AMERICA | Interest Rate 0.200 | 2.92 | | 17,170.69 |
| 11/28/03 | 15 | BANK OF AMERICA | Interest Rate 0.200 | 2.81 | | 17,173.50 |

Page Subtotals 17,173.50 0.00

FORM 2

ESTATE CASH RECEIPTS AND DISBURSEMENTS RECORD

Case No: 01-11363 BP1
 Case Name: FERTITTA, JAMES MARTIN
 FERTITTA, SANDRA REVIEA
 Taxpayer ID No: *****5963
 For Period Ending: 03/03/04

Trustee Name: Stephen J. Zayler
 Bank Name: BANK OF AMERICA
 Account Number: *****5662 Money Market - Interest Bearing

Blanket Bond (per case limit): \$ 300,000.00
 Separate Bond (if applicable):

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|------------------|--------------------|---|---|---------------|--------------------|----------------------|
| Transaction Date | Check or Reference | Paid To / Received From | Description Of Transaction | Deposits (\$) | Disbursements (\$) | Account Balance (\$) |
| 12/31/03 | 15 | BANK OF AMERICA | Interest Rate 0.100 | 1.47 | | 17,174.97 |
| 01/30/04 | 15 | BANK OF AMERICA | Interest Rate 0.100 | 1.45 | | 17,176.42 |
| 02/23/04 | 000101 | STEPHEN J. ZAYLER ATTORNEY AT LAW P. O. BOX 150743 LUFKIN, TX 75915-0743 | ATTORNEY FOR TRUSTEE FEES & EXPENSE PER COURT ORDER ENTERED 2/23/04 PER COURT ORDER ENTERED 2/23/04 | | 4,025.54 | 13,150.88 |
| 02/25/04 | 15 | BANK OF AMERICA | INTEREST REC'D FROM BANK | 1.12 | | 13,152.00 |
| 02/25/04 | | Transfer to Acct #*****2947 | Final Posting Transfer | | 13,152.00 | 0.00 |

| | | | |
|---------------------------|-----------|------------------|------|
| COLUMN TOTALS | 17,177.54 | 17,177.54 | 0.00 |
| Less: Bank Transfers | 0.00 | <u>13,152.00</u> | |
| Subtotal | 17,177.54 | 4,025.54 | |
| Less: Payments to Debtors | | <u>0.00</u> | |
| Net | 17,177.54 | 4,025.54 | |

| | | | |
|--|--------------|---------------|-----------|
| | | NET | ACCOUNT |
| TOTAL - ALL ACCOUNTS | NET DEPOSITS | DISBURSEMENTS | BALANCE |
| Checking - Non Interest - 3752492947 | 2,391.66 | 0.00 | 15,543.66 |
| Money Market - Interest Bearing - 3754885662 | 17,177.54 | 4,025.54 | 0.00 |
| | ----- | ----- | ----- |
| | 19,569.20 | 4,025.54 | 15,543.66 |
| | ===== | ===== | ===== |

Page Subtotals 4.04 17,177.54

SCHEDULE B

APPLICATION FOR COMPENSATION

COMPUTATION OF COMMISSIONS

| | | | |
|----------|-------------|----------------------|------------|
| Receipts | \$19,569.20 | 25% of First \$5,000 | \$1,250.00 |
| Less | -\$5,000 | (\$1,250.00 Max) | |
| Balance | \$14,569.20 | 10% of Next \$45,000 | \$1,456.92 |
| Less | -\$45,000 | (\$4,500.00 Max) | |
| Balance | \$0.00 | 5% of Next \$950,000 | \$0.00 |
| Less | -\$950,000 | (\$47,500.00 Max) | |
| Balance | \$0.00 | 3% of Balance | \$0.00 |

TOTAL COMPENSATION REQUESTED \$2,706.92

TRUSTEE EXPENSES:

| | |
|---|---------|
| Premium on Trustee's Bond | \$0.00 |
| Travel (0.00 at 0.00cents per mile) | \$0.00 |
| Copies (242.00 page at 0.25 cents per copy) | \$60.50 |
| Postage | \$34.32 |
| Telephone Charges | \$9.00 |
| Clerical/Secretarial (4.70 at 15.00 per hour) | \$70.50 |
| Paralegal/Assistance (0.00 at 0.00 per hour) | \$0.00 |
| Supplies/Stationary | \$0.00 |
| Distribution Expenses | \$0.00 |
| Miscellaneous | \$0.00 |

TOTAL EXPENSES \$174.32

| | | |
|-----------|---|----------------|
| Records : | Trustee did not take possession of business or personal records of Debtor. | X _____ |
| | Notice given debtor on to pick up business or personal records in hands of Trustee. | _____ _____ |

Compensation and Expenses Worksheet

Case Number: 01-11363 BP1

Debtor: FERTITTA, JAMES MARTIN

Joint Debtor: FERTITTA, SANDRA REVIEA

1. COMPUTATION OF COMPENSATION

Total disbursements to other than the debtor are:

| | | | |
|---|-------------|----------------------|-----------------------|
| Pursuant to 11 U.S.C. § 326, compensation is computed as follows: | | | \$19,569.20 |
| | \$19,569.20 | 25% of First \$5,000 | \$1,250.00 |
| Less - | \$5,000.00 | (\$1,250 Maximum) | |
| Balance | \$14,569.20 | 10% of Next \$45,000 | \$1,456.92 |
| Less - | \$14,569.20 | (\$4,500 Maximum) | |
| Balance | \$0.00 | 5% of Next \$950,000 | \$0.00 |
| Less - | \$0.00 | (\$47,500 Maximum) | |
| Balance | \$0.00 | 3% of Balance | \$0.00 |
| TOTAL COMPENSATION CALCULATED: | | | \$2,706.92 |
| Less Previously Paid Compensation: | | | \$0.00 |
| TOTAL COMPENSATION REQUESTED: | | | \$2,706.92 |

2. TRUSTEE EXPENSES

The Trustee has incurred the following expenses:

| | | |
|----------|--|---------|
| 08/14/01 | COPY: Photocopy/Duplication Expense 29 pages @ 0.2500 / page | \$7.25 |
| 08/14/01 | COPY: Photocopy/Duplication Expense 4 pages @ 0.2500 / page | \$1.00 |
| 08/14/01 | POST: Postage 1 each @ 1.4900 / each | \$1.49 |
| 08/14/01 | POST: Postage 1 each @ 1.3600 / each | \$1.36 |
| 10/11/01 | POST: Postage 1 each @ 0.3400 / each | \$0.34 |
| 10/18/01 | COPY: Photocopy/Duplication Expense 26 pages @ 0.2500 / page | \$6.50 |
| 10/18/01 | POST: Postage 1 each @ 1.6000 / each | \$1.60 |
| 10/23/01 | COPY: Photocopy/Duplication Expense 28 pages @ 0.2500 / page | \$7.00 |
| 10/24/01 | COPY: Photocopy/Duplication Expense 1 page @ 0.2500 / page | \$0.25 |
| 10/24/01 | COPY: Photocopy/Duplication Expense 1 page @ 0.2500 / page | \$0.25 |
| 10/24/01 | POST: Postage 1 each @ 0.3400 / each | \$0.34 |
| 10/24/01 | POST: Postage 1 each @ 0.8000 / each | \$0.80 |
| 10/25/01 | COPY: Photocopy/Duplication Expense 2 pages @ 0.2500 / page | \$0.50 |
| 01/07/02 | COPY: Photocopy/Duplication Expense 67 pages @ 0.2500 / page | \$16.75 |
| 01/07/02 | POST: Postage 1 each @ 15.3000 / each | \$15.30 |

Compensation and Expenses Worksheet

Case Number: 01-11363 BP1

Debtor: FERTITTA, JAMES MARTIN

Joint Debtor: FERTITTA, SANDRA REVIEA

| | | |
|----------|--|---------|
| 02/27/02 | COPY: Photocopy/Duplication Expense 3 pages @ 0.2500 / page | \$0.75 |
| 02/04/03 | PHONE: Telephone Expense 1 @ 2.0000 409-866-6502 | \$2.00 |
| 02/19/03 | COPY: Photocopy/Duplication Expense 1 page @ 0.2500 / page | \$0.25 |
| 02/19/03 | PHONE: Telephone Expense 1 @ 1.0000 409-898-8400 | \$1.00 |
| 02/19/03 | POST: Postage 1 each @ 0.3700 / each | \$0.37 |
| 02/24/03 | POST: Postage 1 each @ 0.3700 / each | \$0.37 |
| 02/28/03 | COPY: Photocopy/Duplication Expense 1 page @ 0.2500 / page | \$0.25 |
| 02/28/03 | POST: Postage 1 each @ 2.4400 / each | \$2.44 |
| 10/16/03 | PHONE: Telephone Expense 1 @ 4.0000 FAX | \$4.00 |
| 10/16/03 | PHONE: Telephone Expense 1 @ 1.0000 409-898-8200 | \$1.00 |
| 10/20/03 | COPY: Photocopy/Duplication Expense 6 pages @ 0.2500 / page | \$1.50 |
| 10/20/03 | POST: Postage 2 each @ 0.3700 / each | \$0.74 |
| 10/27/03 | PHONE: Telephone Expense 1 @ 1.0000 409-898-8200 | \$1.00 |
| 02/25/04 | COPY: Photocopy/Duplication Expense 73 pages @ 0.2500 / page | \$18.25 |
| 02/25/04 | POST: Postage 4 each @ 0.3700 / each | \$1.48 |
| 02/25/04 | POST: Postage 2 each @ 1.5200 / each | \$3.04 |
| 02/25/04 | POST: Postage 1 each @ 4.6500 / each | \$4.65 |
| 02/25/04 | SEC: Secretarial Expense 4.7 @ 15.0000 | \$70.50 |

Expense Summary

| | |
|---|---------|
| COPY: Photocopy/Duplication Expense 242 pages @ 0.25 / page | \$60.50 |
| PHONE: Telephone Expense 3 @ 1.00 | \$3.00 |
| PHONE: Telephone Expense 1 @ 2.00 | \$2.00 |
| PHONE: Telephone Expense 1 @ 4.00 | \$4.00 |
| POST: Postage 2 each @ 0.34 / each | \$0.68 |
| POST: Postage 8 each @ 0.37 / each | \$2.96 |
| POST: Postage 1 each @ 0.80 / each | \$0.80 |
| POST: Postage 1 each @ 1.36 / each | \$1.36 |
| POST: Postage 1 each @ 1.49 / each | \$1.49 |
| POST: Postage 2 each @ 1.52 / each | \$3.04 |
| POST: Postage 1 each @ 1.60 / each | \$1.60 |
| POST: Postage 1 each @ 2.44 / each | \$2.44 |

Compensation and Expenses Worksheet

Case Number: 01-11363 BP1

Debtor: FERTITTA, JAMES MARTIN

Joint Debtor: FERTITTA, SANDRA REVIEA

POST: Postage 1 each @ 4.65 / each \$4.65

POST: Postage 1 each @ 15.30 / each \$15.30

SEC: Secretarial Expense 4.7 @ 15.00 \$70.50

TOTAL EXPENSES CALCULATED: \$174.32

Less Previously Paid Expenses: \$0.00

TOTAL EXPENSES REQUESTED: \$174.32

TOTAL EXPENSES AND COMPENSATION REQUESTED: \$2,881.24

DATED: 03/03/04

/s/ Stephen J. Zayler

SIGNED _____

TRUSTEE: Stephen J. Zayler

P. O. Box 150743

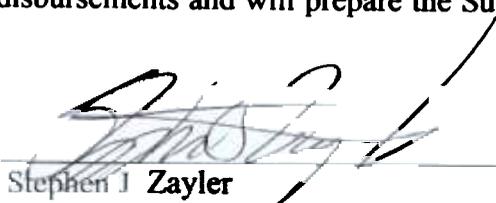
Lufkin, TX 75915-0743

THE STATE OF TEXAS

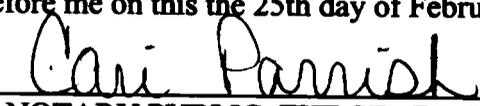
COUNTY OF)

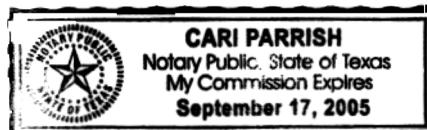
BEFORE ME, the undersigned authority on this date personally appeared Stephen J Zayler, and under oath stated the following:

"I, Stephen J. Zayler, am the duly appointed Trustee in the James and Sandra Fertitta bankruptcy proceeding. I am hereby making application for the maximum amount of Trustee fees, as it is my opinion that the maximum amount was earned by me in carrying out my duties as Trustee. I held the 341a meeting, collected tax refund, mineral interests, and sold 1992 Chevy Van, and had numerous conferences and correspondence with the debtor, and the debtors' attorney. Further, I performed all other numerous duties of a Trustee, including, but not limited to, preparing Trustee's Final Report, will make disbursements and will prepare the Supplemental Final Report.


Stephen J Zayler

SWORN TO AND SUBSCRIBED TO before me on this the 25th day of February, 2004.


NOTARY PUBLIC, THE STATE OF TEXAS



ITEMIZATION OF SECRETARIAL AND CLERICAL TIME

February 26, 2002 - Open new account, load new account information;
(CP - .10)

February 26, 2002 - Prepare W-9 Form;
(CP - .10)

February 26, 2002 - Prepare deposit, post, and transmit;
(CP - .20)

March 11, 2002 - Reconcile Bank Statement;
(MB - .10)

April 11, 2002 - Reconcile Bank Statement;
(MR - .10)

May 15, 2002 - Reconcile Bank Statement;
(MR - .10)

June 13, 2002 - Reconcile Bank Statement;
(MR - .10)

July 12, 2002 - Reconcile Bank Statement;
(MR - .10)

August 13, 2002 - Reconcile Bank Statement;
(MR - .10)

August 13, 2002- Prepare deposit, post, and transmit;
(CP - .20)

September 11, 2002 - Reconcile Bank Statement;
(MR - .10)

September 30, 2002- Prepare deposit, post, and transmit;
(CP - .20)

October 11, 2002 - Reconcile Bank Statement;
(CP - .10)

November 14, 2002 - Reconcile Bank Statement;
(MR - .10)

December 13, 2002 - Reconcile Bank Statement;
(MR - .10)

January 13, 2003 - Reconcile Bank Statement;
(MR - .10)

bankrupt.trustee.sec.cla

February 12, 2003 - Reconcile Bank Statement;
(MR - .10)

February 24, 2003- Prepare deposit, post, and transmit;
(CP - .20)

February 24, 2003 - Request Claims Folder;
(CP - .20)

February 28, 2003 - Load claim information;
(CP - .60)

March 5, 2003- Prepare deposit, post, and transmit;
(CP - .20)

March 12, 2003 - Reconcile Bank Statement;
(MR - .10)

April 11, 2003 - Reconcile Bank Statement;
(MR - .10)

May 14, 2003 - Reconcile Bank Statement;
(MR - .10)

June 13, 2003 - Reconcile Bank Statement;
(MR - .10)

July 15, 2003 - Reconcile Bank Statement;
(MR - .10)

August 12, 2003 - Reconcile Bank Statement;
(MR - .10)

February 23, 2004 - Prepare check to Stephen J. Zayler for payment of Attorney
for Trustee fees and expenses;
(CP - .20)

February 25, 2004 - Compile Trustee's Final Report for Submission to U. S.
Trustee;
(CP - .30)

February 25, 2004 - Transfer funds from MMA to checking account at Bank of
America and post accrued interest;
(CP - .20)

February 26, 2004 - Prepare deposit, post, and transmit;
(SJZ - .20)

bankrupt.trustee.sec.cla

RECAP OF SECRETARIAL & CLERICAL TIME:

| | | | | | |
|---------------|---|-----------|-------------------|------|-------|
| CARI PARRISH | - | 3.00 hrs. | @ \$15.00/per hr. | = | 45.00 |
| MILLIE REEVES | - | 1.70 hrs. | @ \$15.00/per hr. | = | 25.50 |
| TOTAL: | | 4.70 hrs. | @ \$15.00/per hr. | = \$ | 70350 |

ITEMIZATION OF TRUSTEE TIME

July 5, 2001 - Initial review of Schedules and Statement of Financial Affairs;
(SJZ - .20)

July 9, 2001 - Receipt of Notice of Appointment;
(SJZ - .10)

July 9, 2001 - Receipt and review of Notice of 341a meeting;
(SJZ - .10)

August 12, 2001 - Review of file prior to conducting 341a meeting;
(SJZ - .10)

August 12, 2001 - Prepare sign-in sheet;
(SJZ - .10)

August 13, 2001 - Conduct 341a meeting;
(SJZ - .20)

August 13, 2001 - Prepare proceeding memo;
(SJZ - .10)

August 14, 2001 - Review typed proceeding memo and execute same;
(SJZ - .10)

August 14, 2001 - Prepare letter to William Greene at IRS regarding assets of estate;
(SJZ - .20)

August 14, 2001 - Prepare letter to Frank Maida regarding question of proceeds from auto sale and other assets of estate;
(SJZ - .20)

October 10, 2001 - Prepare Trustee's Notice to Set Bar Date;
(SJZ - .20)

October 22, 2001 - Prepare letter to William Greene with IRS regarding refund;
(SJZ - .20)

October 22, 2001 - Prepare letter to Attorney F. Maida regarding turnover of money in bank and sale of van;
(SJZ - .20)

October 24, 2001 - Receive and calendar Order Fixing Bar Date for Claims;
(SJZ - .10)

November 7, 2001 - Prepare Affidavit of proposed attorney;
(SJZ - .20)

November 9, 2001 - Review and execute Application to Employ Attorney for Trustee;
(SJZ - .10)

November 29, 2001 - Receive and review Order to Employ Attorney for Trustee;
(SJZ - .10)

December 10, 2001 - Telephone conference with David Rosen regarding bid on minerals;
(SJZ - .20)

December 19, 2001 - Prepare letter to bidders;
(SJZ - .30)

December 21, 2001 - Review and execute Application to Sell Mineral Interest;
(SJZ - .10)

January 14, 2002 - Receive and review Debtor's Objection to Trustee's Notice to Sell Minerals;
(SJZ - .10)

January 14, 2002 - Receive and review Proof of claim filed by Lamar Bank;
(SJZ - .10)

February 25, 2002 - Prepare for hearing on Motion to Sell Minerals;
(SJZ - .30)

February 26, 2002 - Receive and review Order to Sell Mineral Interest;
(SJZ - .10)

February 26, 2002 - conference with J.L. Shuttleworth regarding hearing on Motion to Sell Minerals - attendance at hearing;
(SJZ - .20)

February 26, 2002 - Review of W-9 for NationsBank and execute same;
(SJZ - .10)

February 26, 2002 - Review of deposit and initial deposit;
(SJZ - .10)

March 4, 2002 - Receive and review bank stamped deposit slip;
(SJZ - .10)

March 5, 2002 - Receive and review Order granting Application to Sell Free and Clear of lien mineral interest by SJZ;
(SJZ - .10)

March 7, 2002 - Review and execute Trustee's Mineral Deed;
(SJZ - .10)

March 7, 2002 - Prepare letter to Sandra Fertitta transmitting Trustee's Mineral Deed for filing;
(SJZ - .20)

March 11, 2002 - Receipt of and review bank statement;
(SJZ - .10)

March 11, 2002 - Review and execute Motion to Determine Tax Liability;
(SJZ - .10)

April 11, 2002 - Receipt of and review bank statement;
(SJZ - .10)

April 16, 2002 - Prepare Form 1 and Form 2;
(SJZ - .30)

April 29, 2002 - Receive and review Notice of hearing on Motion to determine Tax Liability set for 5/21/02 @9:40;
(SJZ - .10)

May 15, 2002 - Receipt of and review bank statement;
(SJZ - .10)

June 10, 2002 - Receive and review Order to Determine Tax Liability;
(SJZ - .10)

June 11, 2002 - Receive and review Order granting Trustee's Motion to Determine Tax Liability;
(SJZ - .10)

June 13, 2002 - Receipt of and review bank statement;
(SJZ - .10)

July 12, 2002 - Receipt of and review bank statement;
(SJZ - .10)

August 13, 2002 - Review of deposit and initial deposit;
(SJZ - .10)

August 13, 2002 - Receipt of and review bank statement;
(SJZ - .10)

September 6, 2002 - Review and execute Motion for Contempt, Motion for Sanctions against the IRS;
(SJZ - .10)

September 11, 2002 - Receipt of and review bank statement;
(SJZ - .10)

September 30, 2002 - Review of deposit and initial deposit;
(SJZ - .10)

October 11, 2002 - Receipt of and review bank statement;
(SJZ - .10)

November 14, 2002 - Receipt of and review bank statement;
(SJZ - .10)

December 13, 2002 - Receipt of and review bank statement;
(SJZ - .10)

January 13, 2003 - Receipt of and review bank statement;
(SJZ - .10)

February 4, 2003 - Telephone conference with Debtor regarding turnover of funds from IRS;
(SJZ - .20)

February 12, 2003 - Receipt of and review bank statement;
(SJZ - .10)

February 24, 2003 - Review of deposit and initial deposit;
(SJZ - .10)

February 29, 2003 - Prepare letter to Frank Maida regarding not yet received check from Debtor;
(SJZ - .20)

March 5, 2003 - Receive and review bank stamped deposit slip;
(SJZ - .10)

March 5, 2003 - Review of deposit and initial deposit;
(SJZ - .10)

March 10, 2003 - Receive and review bank stamped deposit slip;
(SJZ - .10)

March 12, 2003 - Receipt of and review bank statement;
(SJZ - .10)

April 11, 2003 - Receipt of and review bank statement;
(SJZ - .10)

April 16, 2003 - Prepare Form 1 and Form 2;

(SJZ - .30)

May 14, 2003 - Receipt of and review bank statement;
(SJZ - .10)

June 13, 2003 - Receipt of and review bank statement;
(SJZ - .10)

July 15, 2003 - Receipt of and review bank statement;
(SJZ - .10)

October 15, 2003 - Telephone conference from Frank Maida's office regarding letter for Texas Workforce Commissions;
(SJZ - .10)

October 20, 2003 - Prepare letter to Richard Craig, Comptroller of Public Accounts office, regarding Notice of Freeze received and projected disbursement of assets;
(SJZ - .20)

October 27, 2003 - Telephone conference to Frank Maida office regarding letter sent to Richard Craig - left message;
(SJZ - .10)

October 31, 2003 - Review and execute Application to Employ David Tamminga;
(SJZ - .10)

August 12, 2003 - Receipt of and review bank statement;
(SJZ - .10)

September 12, 2003 - Receipt of and review bank statement;
(SJZ - .10)

October 15, 2003 - Receipt of and review bank statement;
(SJZ - .10)

November 17, 2003 - Receipt of and review bank statement;
(SJZ - .10)

November 17, 2003 - Receive and review Order to Employ David Tamminga;
(SJZ - .10)

December 17, 2003 - Receipt of and review bank statement;
(SJZ - .10)

January 7, 2004 - Telephone conference from Katy in Maida's office requesting any information on money seized by State Comptroller's office from Mrs. Fertitta's mothers account;
(SJZ - .10)

January 15, 2004 - Receive and review Proof of Claim filed by Texas Comptroller;
(SJZ - .10)

January 15, 2004 - Receipt of and review bank statement;
(SJZ - .10)

February 27, 2004 - Review of deposit and initial deposit;
(SJZ - .10)

TOTAL ITEMIZED TRUSTEE TIME: 9.90 hrs.

Additional Trustee time to be incurred:

Evaluation of case for administration and disposition of assets;

Continuous monitor of case administration;

Preparation of disbursement checks to creditors and Trustee fees and expenses;

Preparation of dividend letter to creditors;

Review additional bank statements;

Preparation of additional Form 1's and 2's as necessary;

Preparation of Trustee's Supplemental Final Report.

SCHEDULE C
EXPENSES OF ADMINISTRATION

| | (1) Amount Claimed | (2) Amount Allowed | (3) Previously Paid | (4) Due |
|---|-----------------------|-----------------------|------------------------|------------|
| 1. 11 U.S.C Sec. 507(a)(1) Court Costs and Fees | 0.00 | 0.00 | 0.00 | 0.00 |
| 2. 11 U.S.C. Sec. 503(b)(1)(a) Preservation of Estate | 0.00 | 0.00 | 0.00 | 0.00 |
| 3. 11 U.S.C. Sec. 503(b)(2) Post-Petition taxes and related penalties | 0.00 | 0.00 | 0.00 | 0.00 |
| 4. 11 U.S.C. Sec. 503(b)(2) Compensation and Reimbursements | | | | |
| A. Trustee - Compensation | 2,706.92 | 2,706.92 | 0.00 | 2,706.92 |
| B. Trustee - Expense | 174.32 | 174.32 | 0.00 | 174.32 |
| C. TRUSTEE ATTORNEY FEES | 4,025.54 | 4,025.54 | 4,025.54 | 0.00 |
| 5. Court Special Charges (Excess Notices) | 0.00 | 0.00 | 0.00 | 0.00 |
| 6. United States Trustee Fees | 0.00 | 0.00 | 0.00 | 0.00 |
| BkMk6 TOTALS: | \$6,906.78 | \$6,906.78 | \$4,025.54 | \$2,881.24 |

UNITED STATES BANKRUPTCY COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

In Re:

James Martin Fertitta Sandra Reviea Fertitta

Debtor(s):

Bankruptcy Case: Chapter 7

BILL O-- CO.-JIR-I COSTS

TO:

**Stephen Zayler
123 E. Lufkin Avenue PO Box 150743
Lufkin, TX 75915-0743**

**Notice is hereby given that court costs (and deferred adversary filing fees, if applicable) are now due pursuant to 28 USC Section 1930, in the above case in the amount of
SO (Total Amount)**

These costs are itemized as follows

NonCES

\$0.25 per notice in excess of 50 notices mailed prior to 1/1/87. --

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01-11363 bp

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\$0 (Prior to 1/1/87)

\$0.50 per notice for all notices mailed after to 1/1/87.

\$0 (After 1/1/87)

NOTE: For Chapter 7 cases filed after 12/1/92, there will be NO NO'nCE FEES. (Do Not Bill for \$0.50 per notice)

NOTE: For all other Chapters filed after 1/1/98, there will be NO NO'nCE FEES. (Do Not Bill for \$0.50 per notice)

PROCESSING CL~S

NOTE: The fee of \$0.25 for clerical processing of each claim in excess of IOin. cases filed under the Act or Code has been eliminated

DEFERBED AD YEMARY.FILIN G- FEES

O(Deferred Adversaries) Chapter 7 Adversary Proceeding(s) filed @ \$120.00/\$150.00 each. \$0

TOTAL AMOUNT DUE

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SO

Check to be made payable to aerk, U.S. Bankruptcy COUJ1

Date: February 18, 2004

JAMES D. TOKOPH Clerk of Court

BY:

.rj1.)J{

SCHEDULE D

SECURED CLAIMS

| Claim no. | Amount Claimed | Amount Not Determined | Amount Allowed | Previously Paid | Due |
|-----------|----------------|-----------------------|----------------|-----------------|------|
| TOTALS | 0.00 | | 0.00 | 0.00 | 0.00 |

IDENTIFICATION OF SECURED PARTIES AFFECTED:

Claim No. Name of Creditor

Claim No. Name of Creditor

SCHEDULE E

PRIORITY CLAIMS OTHER THAN ADMINISTRATIVE EXPENSES
IN THE FOLLOWING ORDER OF PRIORITY

| | (1) Amount Claimed | (2) Amount Allowed | (3) Amount Paid | (4) Due |
|---|-----------------------|-----------------------|--------------------|----------|
| 1. For Credit extended - Sec. 364(e)(1) | 0.00 | 0.00 | 0.00 | 0.00 |
| 2. Claims from failure of adequate protection - Sec. 307(a)(b) | 0.00 | 0.00 | 0.00 | 0.00 |
| 3. "Gap Claims" - Sec. 507(a)(2) | 0.00 | 0.00 | 0.00 | 0.00 |
| 4. Wages, etc. - Sec. 507(a)(3) | 0.00 | 0.00 | 0.00 | 0.00 |
| 5. Contributions to benefit plans - Sec. 507(a)(4) | 0.00 | 0.00 | 0.00 | 0.00 |
| 6. Consumer deposits - Sec. 507(a)(6) | 0.00 | 0.00 | 0.00 | 0.00 |
| 7. Taxes - Sec. 507(a)(7) | 624.30 | 624.30 | 0.00 | 624.30 |
| 8. Other (No Basis): | 0.00 | 0.00 | 0.00 | 0.00 |
| TOTALS: | \$624.30 | \$624.30 | \$0.00 | \$624.30 |

SCHEDULE E

PARTIES AFFECTED:

| Priority No. | Name of Creditor | Priority No. | Name of Creditor | | | | |
|--------------|---|--------------|------------------|------|-----------|--|--|
| 000004 | OFFICE OF THE ATTORNEY GENERAL | | | | | | |
| | FILED UNSECURED CLAIMS TOTAL: | 63,280.43 | 63,280.43 | 0.00 | 63,280.43 | | |
| | SUBORDINATED UNSECURED CLAIMS TOTAL: | 0.00 | 0.00 | 0.00 | 0.00 | | |

EXHIBIT A
ANALYSIS OF CLAIMS REGISTER

Case Number: 01-11363

Page 1

Date: March 03, 2004

Debtor Name: FERTITTA, JAMES MARTIN

Claim Number Sequence

| Code # | Creditor Name & Address | Claim Class | Notes | Amount Allowed | Paid to Date | Claim Balance |
|----------------------|---|----------------|-------|----------------|--------------|---------------|
| 025 TAF | STEPHEN J. ZAYLER ATTORNEY AT LAW P. O. BOX 150743 LUFKIN, TX 75915-0743 | Administrative | | \$4,025.54 | \$4,025.54 | \$0.00 |
| 000001 070 UC | Lease Acceptance Corporation c/o Lawrence G. Reinhold, Attorney Legal Department 30955 Northwestern Highway Farmington Hills, Michigan 48334-2516 | Unsecured | | \$15,288.90 | \$0.00 | \$15,288.90 |
| 000002 070 UC | Tabani Beaumont, Ltd. 2765 E. Trinity Mills Rd. Suite 407 Carrollton, TX 75006 | Unsecured | | \$16,327.80 | \$0.00 | \$16,327.80 |
| 000003 070 UC | Lamar Bank PO Box 6007 Beaumont TX 77705 | Unsecured | | \$31,663.73 | \$0.00 | \$31,663.73 |
| 000004 061 PTL | Office of the Attorney General Collection Division - Bankruptcy Section PO Box 12548 Austin, TX 78711-2548 | Priority | | \$624.30 | \$0.00 | \$624.30 |
| Case Totals: | | | | \$67,930.27 | \$4,025.54 | \$63,904.73 |

Code #: Trustee's Claim Number, Priority Code, Claim Type

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

| | | |
|-------------------------|---|-------------------|
| IN RE: |) | |
| FERTITTA, JAMES MARTIN |) | CASE NO. 01-11363 |
| FERTITTA, SANDRA REVIEA |) | |
| |) | CHAPTER 7 |
| DEBTOR(S) |) | |

TRUSTEE'S REPORT OF
PROPOSED FINAL DISTRIBUTIONS

The undersigned trustee of the estate hereby submits to the Court and to the United States Trustee this Report of Proposed Final Distributions.

1. The Court has entered orders which have become final, and which dispose of all objections to claims, all objections to the trustee's Final Report, all applications for compensation, and all other matters which must be determined by the Court before final distribution can be made.

2. The trustee proposes to make final distribution of the funds of the estate as follows, and will make such distribution unless written objection thereto is made, filed and served on the trustee and on the United States trustee.

| | |
|---|-------------|
| 1. BALANCE ON HAND | \$15,543.66 |
| 2. ADMINISTRATIVE EXPENSES TO BE PAID * (note) | \$2,881.24 |
| 3. SECURED CLAIMS TO BE PAID * (note) | \$0.00 |
| 4. PRIORITY CLAIMS TO BE PAID * (note) | \$624.30 |
| 5. UNSECURED CLAIMS TO BE PAID * (note) | \$12,038.12 |
| 6. OTHER DISTRIBUTIONS TO BE PAID * (note) | \$0.00 |
| 7. TOTAL DISTRIBUTIONS TO BE MADE (Sum of lines 2 through 6) | \$15,543.66 |
| 8. ZERO BALANCE AFTER ALL DISTRIBUTIONS (Line 1 less line 7) | \$0.00 |

* (See attached schedule of payees and amounts)

/s/ Stephen J. Zayler (Trustee)

Stephen J. Zayler

PROPOSED DISTRIBUTION

Case Number: 01-11363 BP1

Page 1

Date: March 3, 2004

Debtor Name: FERTITTA, JAMES MARTIN \ FERTITTA, SANDRA REVIEA

| Claim # | Payee Name | Class | Priority | Amount | Paid to Date | Claim Balance | Proposed Pymt | Funds Remaining |
|-------------------|-----------------------------------|----------|----------|-------------|--------------|---------------|---------------|-----------------|
| Beginning Balance | | | | | | | | \$15,543.66 |
| | Stephen J. Zayler COMPENSATION | Admin | | \$2,706.92 | \$0.00 | \$2,706.92 | \$2,706.92 | \$12,836.74 |
| | Stephen J. Zayler EXPENSES | Admin | | \$174.32 | \$0.00 | \$174.32 | \$174.32 | \$12,662.42 |
| | STEPHEN J. ZAYLER | Admin | 025 | \$4,025.54 | \$4,025.54 | \$0.00 | \$0.00 | \$12,662.42 |
| 000004 | Office of the Attorney General | Priority | 061 | \$624.30 | \$0.00 | \$624.30 | \$624.30 | \$12,038.12 |
| 000001 | Lease Acceptance Corporation | Unsec | 070 | \$15,288.90 | \$0.00 | \$15,288.90 | \$2,908.48 | \$9,129.64 |
| 000002 | Tabani Beaumont, Ltd. | Unsec | 070 | \$16,327.80 | \$0.00 | \$16,327.80 | \$3,106.11 | \$6,023.53 |
| 000003 | Lamar Bank | Unsec | 070 | \$31,663.73 | \$0.00 | \$31,663.73 | \$6,023.53 | \$0.00 |
| << Totals >> | | | | \$70,811.51 | \$4,025.54 | \$66,785.97 | \$15,543.66 | \$0.00 |

Proposed distribution is dependent on the Court's rulings on administrative expenses, contest of claims, and/or objections made to this proposed distribution.