

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

FILED  
CLERK OF DISTRICT COURT

IN RE: )  
SWAN, PHONZO WAYNE )  
SWAN, BETTY JOYCE )  
DEBTOR(S) )

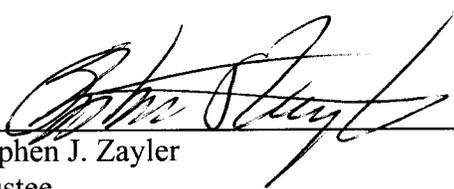
CASE NO. 01-90925  
CHAPTER 7  
OCT 27 12 45 PM '03

**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.

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

DATE: September 22, 2003

  
\_\_\_\_\_  
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: 10-16-03

By:  \_\_\_\_\_

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

IN RE: )  
SWAN, PHONZO WAYNE ) CASE NO. 01-90925  
SWAN, BETTY JOYCE )  
 ) CHAPTER 7  
DEBTOR(S) )

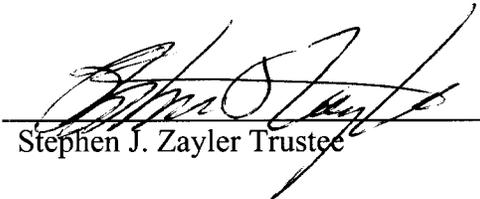
**TRUSTEE'S FINAL REPORT, APPLICATION FOR COMPENSATION  
AND APPLICATION TO CLOSE CASE AND DISCHARGE TRUSTEE**

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: September 22, 2003

  
\_\_\_\_\_  
Stephen J. Zayler Trustee

**SCHEDULE A-1**

FINAL ACCOUNT AS OF September 22, 2003

A. RECEIPTS \$17,012.09

B. DISBURSEMENTS

(1) Secured creditors 0.00

(2) Administrative 897.94

(3) Priority 0.00

(4) Other 4,469.78

TOTAL DISBURSEMENTS \$5,367.72

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BALANCE OF FUNDS \$11,644.37

**TRUSTEE'S FINAL REPORT CASE SUMMARY**

**TRUSTEE:**

**ZAYLER**

COMMENTS:

**CASE NAME:**

SWAN, PHONZO/BETTY

**CASE NUMBER:**

01-90925

**DATE UST APPROVED:**

10/16/03

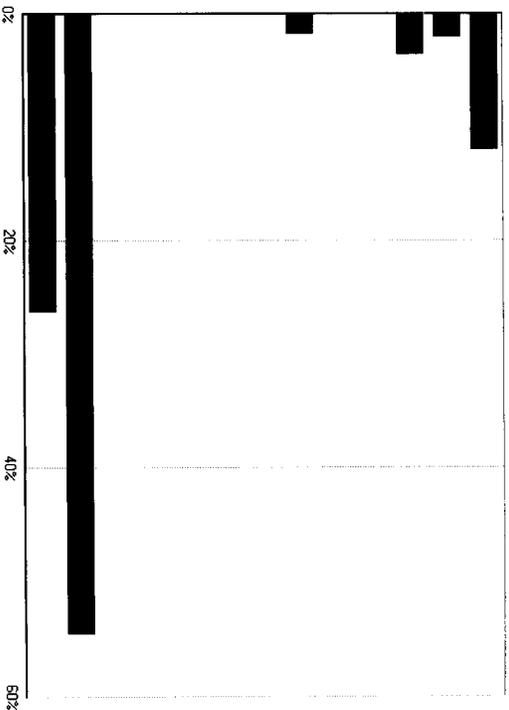
**ESTATE INCOME:**

TOTAL RECEIPTS:

\$17,012.09 100.00%

**ESTATE EXPENSES:**

TRUSTEE'S COMMISSION	2,026.69	11.91%
TRUSTEE'S EXPENSES	344.46	2.02%
FIRM'S PROFESSIONAL FEES	597.94	3.51%
FIRM'S PROFESSIONAL EXPENSES	0.00	0.00%
OTHER ATTORNEY FEES	0.00	0.00%
OTHER PROFESSIONAL FEES	300.00	1.76%
COURT COSTS	0.00	0.00%
ESTATE EXPENSES(TAXES, ETC)	0.00	0.00%
PRIOR CHAPTER COSTS	0.00	0.00%
SECURED CLAIMS PAID	0.00	0.00%
PRIORITY CLAIMS PAID	0.00	0.00%
UNSECURED CLAIMS PAID	9,273.22	54.51%
OTHER(RETURN TO DEBTOR, ETC)	4,469.78	26.27%



**UNSECURED CLAIMS ALLOWED**

53,098.68

**UNSECURED CLAIMS PAID**

9,273.22

**PERCENT RECOVERED FOR UNSECURED**

17.46%

**FORM 1  
INDIVIDUAL ESTATE PROPERTY RECORD AND REPORT  
ASSET CASES**

Case No: 01-90925 BP9 Judge: BILL PARKER  
Case Name: SWAN, PHONZO WAYNE  
SWAN, BETTY JOYCE  
For Period Ending: 09/22/03

Trustee Name: Stephen J Zayler  
Date Filed (f) or Converted (c): 05/01/01 (f)  
341(a) Meeting Date: 06/07/01  
Claims Bar Date: 09/12/01

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
OMESTEAD	25,000.00	0.00		0.00	FA
2. REAL ESTATE IN HARRIS COUNTY	17,719.00	12,256.00		16,944.53	FA
3. MINERAL INTEREST	2,000.00	0.00		0.00	FA
4. CHECKING	1,000.00	500.00		0.00	FA
Amended Schedules					
5. HOUSEHOLD GOODS	828.00	0.00		0.00	FA
6. WEARING APPAREL	25.00	0.00		0.00	FA
7. JEWELRY	60.00	0.00		0.00	FA
8. FIREARMS	100.00	0.00		0.00	FA
9. LIFE INSURANCE	1.00	0.00		0.00	FA
10. RETIREMENT	13,000.00	0.00		0.00	FA
11. IRS REFUND	789.00	689.00		0.00	FA
AMENDED SCHEDULES					
12. 1993 SUBURU	2,000.00	0.00		0.00	FA
13. 1989 FORD TRUCK	1,500.00	0.00		0.00	FA
1-WHEELER	4,000.00	0.00		0.00	FA
15. 1979 RAYCRAFT BOAT	800.00	0.00		0.00	FA
16. ANIMALS	2.00	0.00		0.00	FA
17. YARD TOOLS	35.00	0.00		0.00	FA
18. FISHING EQIP., PORTABLE BLDG.	210.00	210.00	DA	0.00	FA
19. Post-Petition Interest Deposits (u)	Unknown	N/A		67.56	Unknown

TOTALS (Excluding Unknown Values)      \$ 69,069.00      \$ 13,655.00      \$ 17,012.09      Gross Value of Remaining Assets      \$0.00  
(Total Dollar Amount in Column 6)

**FORM 1  
INDIVIDUAL ESTATE PROPERTY RECORD AND REPORT  
ASSET CASES**

Case No: 01-90925 BP9 Judge: BILL PARKER  
Case Name: SWAN, PHONZO WAYNE  
SWAN, BETTY JOYCE

Trustee Name: Stephen J. Zayler  
Date Filed (f) or Converted (c): 05/01/01 (f)  
341(a) Meeting Date: 06/07/01  
Claims Bar Date: 09/12/01

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

Initial Projected Date of Final Report (TFR): 12/31/02      Current Projected Date of Final Report (TFR): 12/31/03

FORM 2

ESTATE CASH RECEIPTS AND DISBURSEMENTS RECORD

Case No: 01-90925 BP9  
 Case Name: SWAN, PHONZO WAYNE  
 SWAN, BETTY JOYCE  
 Taxpayer ID No: 75-6617655  
 For Period Ending: 09/22/03

Trustee Name: Stephen J. Zayler  
 Bank Name: BANK OF AMERICA  
 Account Number: 3752492730 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 (\$)
09/22/03		Transfer from Acct #3754224249	BALANCE FORWARD Transfer In From MMA Account	11,644.37		11,644.37

COLUMN TOTALS  
 11,644.37  
 Less: Bank Transfers 0.00  
 Subtotal 11,644.37  
 Less: Payments to Debtors 0.00  
 Net 0.00

Page Subtotals 11,644.37 0.00

FORM 2

ESTATE CASH RECEIPTS AND DISBURSEMENTS RECORD

Case No: 01-90925 BP9  
 Case Name: SWAN, PHONZO WAYNE  
 SWAN, BETTY JOYCE

Trustee Name: Stephen J. Zayler  
 Bank Name: BANK OF AMERICA  
 Account Number: 3754224249 Money Market - Interest Bearing

Taxpayer ID No: 75-6617655  
 For Period Ending: 09/22/03  
 Blanket Bond (per case limit): \$ 300,000.00  
 Separate Bond (if applicable):

Transaction Date	Check or Reference	Paid To / Received From	Description Of Transaction	Deposits (\$)	Disbursements (\$)	Account Balance (\$)
1	2	3	4	5	6	7
11/20/01	2	CAROL OR DARRELL DOYLE	BALANCE FORWARD	525.00		0.00
11/30/01	19	BANK OF AMERICA	NOTE RECEIVABLE	0.11		525.00
12/27/01	2	CAROL OR DARRELL DOYLE	Interest Rate 1.500	525.00		525.11
12/31/01	19	BANK OF AMERICA	NOTE RECEIVABLE	0.69		1,050.11
01/22/02	2	CAROL OR DARRELL DOYLE	Interest Rate 1.500	195.00		1,050.80
01/31/02	19	BANK OF AMERICA	NOTE RECEIVABLE	1.39		1,245.80
02/22/02	2	CAROL OR DARRELL DOYLE	Interest Rate 1.500	415.00		1,247.19
02/28/02	19	BANK OF AMERICA	NOTE RECEIVABLE	1.47		1,662.19
03/27/02	2	CAROL J. OR DARRELL A DOYLE	Interest Rate 1.500	415.00		1,663.66
03/29/02	19	BANK OF AMERICA	NOTE RECEIVABLE	1.75		2,078.66
04/24/02	2	CAROL OR DARRELL DOYLE	Interest Rate 1.200	415.00		2,080.41
04/30/02	19	BANK OF AMERICA	NOTE RECEIVABLE	2.12		2,495.41
05/28/02	2	CAROL OR DARRELL DOYLE	Interest Rate 1.200	415.00		2,497.53
05/31/02	19	BANK OF AMERICA	NOTE RECEIVABLE	2.56		2,912.53
06/24/02	2	CAROL OR DARRELL DOYLE	Interest Rate 1.200	415.00		2,915.09
06/28/02	19	BANK OF AMERICA	NOTE RECEIVABLE	2.92		3,330.09
07/24/02	2	Darrell A. Doyle	Interest Rate 1.200	415.00		3,333.01
		12470 Industrial Road	ACCOUNTS RECEIVABLE			3,748.01
		Houston, TX 77015				
07/31/02	19	BANK OF AMERICA	Interest Rate 1.200	3.45		3,751.46
08/28/02	2	Carol or Darrell Doyle	NOTE RECEIVABLE	415.00		4,166.46
		12470 Industrial Road				
		Houston, TX 77015				
08/30/02	19	BANK OF AMERICA	Interest Rate 1.200	3.82		4,170.28
09/30/02	2	CAROL OR DARRELL DOYLE	NOTE RECEIVABLE	415.00		4,585.28
09/30/02	19	BANK OF AMERICA	Interest Rate 1.200	4.09		4,589.37
10/30/02	2	CAROL OR DARRELL DOYLE	NOTE RECEIVABLE	415.00		5,004.37
10/31/02	19	BANK OF AMERICA	Interest Rate 1.200	4.65		5,009.02

Page Subtotals 5,009.02 0.00

FORM 2

ESTATE CASH RECEIPTS AND DISBURSEMENTS RECORD

Case No: 01-90925 BP9  
 Case Name: SWAN, PHONZO WAYNE  
 SWAN, BETTY JOYCE

Trustee Name: Stephen J. Zayler  
 Bank Name: BANK OF AMERICA  
 Account Number: 3754224249 Money Market - Interest Bearing

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

Transaction Date	Check or Reference	Paid To / Received From	Description Of Transaction	Deposits (\$)	Disbursements (\$)	Account Balance (\$)
11/29/02	19	BANK OF AMERICA	Interest Rate 0.850	4.03		5,013.05
12/09/02	2	CAROL OR DARRELL DOYLE	NOTE RECEIVABLE	415.00		5,428.05
12/23/02	2	CAROL AND DARRELL DOYLE	NOTE RECEIVABLE	415.00		5,843.05
12/31/02	19	BANK OF AMERICA	Interest Rate 0.850	3.82		5,846.87
01/27/03	2	CAROL OR DARRELL DOYLE	NOTE RECEIVABLE	415.00		6,261.87
01/31/03	19	BANK OF AMERICA	Interest Rate 0.850	4.23		6,266.10
02/26/03	2	CAROL OR DARRELL DOYLE	NOTE RECEIVABLE	415.00		6,681.10
02/28/03	19	BANK OF AMERICA	Interest Rate 0.850	4.09		6,685.19
03/10/03	000101	PHONZO WAYNE SWAN AND BETTY JOYCE SWAN	EXEMPTION AMOUNT BACK TO DEBTOR PER COUR ORDER 3/4/03		4,469.78	2,215.41
		4880 FM 139				
		JOAQUIN, TEXAS 75954				
		CITIFINANCIAL				
03/26/03	2	BANK OF AMERICA	PAYOFF OF REAL ESTATE	10,304.53		12,519.94
03/31/03	19	BANK OF AMERICA	Interest Rate 0.500	1.85		12,521.79
04/30/03	19	BANK OF AMERICA	Interest Rate 0.500	5.14		12,526.93
04/30/03	000102	STEPHEN J. ZAYLER ATTORNEY AT LAW	ATTORNEY FOR TRUSTEE FEES & EXPENSE PER COURT ORDER 4/29/03		597.94	11,928.99
		P. O. BOX 150743				
		LUFKIN, TX 75915-0743				
05/30/03	19	BANK OF AMERICA	Interest Rate 0.500	5.06		11,934.05
06/30/03	19	BANK OF AMERICA	Interest Rate 0.500	4.91		11,938.96
07/31/03	19	BANK OF AMERICA	Interest Rate 0.200	2.03		11,940.99
08/27/03	000103	DAVID S. TAMMINGA CPA	PAYMENT FOR ACCOUNTANT FEES PER COURT ORDER ENTERED 8/25/03 PER COURT ORDER ENTERED 8/25/03		300.00	11,640.99
		1403 TURTLE CREEK				
		LUFKIN, TX 75901				
08/29/03	19	BANK OF AMERICA	Interest Rate 0.200	2.03		11,643.02
09/22/03	19	BANK OF AMERICA	INTEREST REC'D FROM BANK	1.35		11,644.37
09/22/03		Transfer to Acct #3752492730	Final Posting Transfer		11,644.37	0.00

Page Subtotals 12,003.07 17,012.09

**FORM 2  
ESTATE CASH RECEIPTS AND DISBURSEMENTS RECORD**

Case No: 01-90925 BP9  
 Case Name: SWAN, PHONZO WAYNE  
 SWAN, BETTY JOYCE  
 Taxpayer ID No: 75-6617655  
 For Period Ending: 09/22/03

Trustee Name: Stephen J. Zayler  
 Bank Name: BANK OF AMERICA  
 Account Number: 3754224249 Money Market - Interest Bearing  
 Blanket Bond (per case limit): \$ 300,000.00  
 Separate Bond (if applicable):

1 Transaction Date	2 Check or Reference	3 Paid To / Received From	4 Description Of Transaction	5 Deposits (\$)	6 Disbursements (\$)	7 Account Balance (\$)
			COLUMN TOTALS	17,012.09	17,012.09	0.00
			Less: Bank Transfers	0.00	11,644.37	
			Subtotal	17,012.09	5,367.72	
			Less: Payments to Debtors		4,469.78	
			Net	17,012.09	897.94	
			TOTAL - ALL ACCOUNTS			
			Checking - Non Interest - 3752492730	0.00	0.00	11,644.37
			Money Market - Interest Bearing - 3754224249	17,012.09	897.94	0.00
				17,012.09	897.94	11,644.37
				=====	=====	=====

IN THE UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF TEXAS  
LUFKIN DIVISION

IN RE:

EOD ]

PHONZO WAYNE SWAN  
& BETTY JOYCE SWAN

DEC - 4 2001 ]

CASE NO. 01-90925  
CHAPTER 7 ]

DEBTOR ]

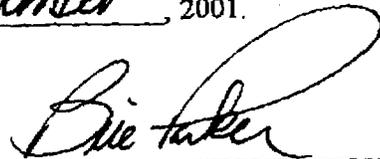
FILED  
BANKRUPTCY  
EASTERN DISTRICT  
01 DEC -4 AM 11:  
CLERK U.S. BANKRUPTCY  
COURT  
BY \_\_\_\_\_ DEPUTY

**ORDER AUTHORIZING EMPLOYMENT OF ATTORNEY**

On this date this Court considered the Application of STEPHEN J. ZAYLER for an order approving the employment of STEPHEN J. ZAYLER as primary bankruptcy counsel for the Chapter 7 Estate in the above referenced case. The Application has been served upon the United States Trustee as required by the Local Rules of Bankruptcy Procedure and no objection to the Application has been timely filed by the United States Trustee. Upon review of the Application, it appears to the Court that the proposed professional is "disinterested" as that term is defined in 11 U.S.C. §101(14) and that the proposed professional represents or holds no interest adverse to the Estate. Accordingly,

IT IS THEREFORE ORDERED that the Application is **GRANTED** and that the employment of STEPHEN J. ZAYLER as primary bankruptcy counsel for the Chapter 7 Estate in the above referenced case is hereby **APPROVED**, with such compensation as may be awarded by the Court upon proper application submitted pursuant to Fed.R.Bankr.P. 2016(a) and Local Rule of Bankruptcy Procedure 2016.

SIGNED this 30<sup>th</sup> day of November, 2001.



**BILL PARKER**  
**UNITED STATES BANKRUPTCY JUDGE**

IN THE UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF TEXAS  
LUFKIN DIVISION

IN RE:

PHONZO WAYNE SWAN  
SSN: 435-84-8394  
BETTY JOYCE SWAN  
SSN: 463-66-0833

**EOD**

03/04/2003

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§

CASE NO. 01-90925  
CHAPTER 7

DEBTORS

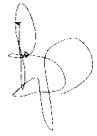
**ORDER ON TRUSTEE'S MOTION TO  
PAY EXEMPTIONS UNDER 11 U.S.C. SECTION 522(d)(5)**

On this day came on to be considered, the Motion by Trustee for Authority to Pay Exemptions Under *11 U.S.C. Section 522(d)(5)*, filed by Stephen J. Zayler, Chapter 7 Trustee, ("Movant") in the above referenced case. The Court finds that the Motion was properly served pursuant to the Federal and Local Rules of Bankruptcy Procedure and that it contained the appropriate twenty (20) day negative notice language, pursuant to Local Rule of Bankruptcy Procedure 9007, which directed any party opposed to the granting of the relief sought by the motion to file a written response within twenty days or the Motion would be deemed by the Court to be unopposed. The Court finds that no objection or other written response to the Motion has been timely filed by any party. The Court, ~~having reviewed the application and determined whether the services outlined in the Application were actual, reasonable and necessary,~~ finds that good cause exists for the entry of the following order.

IT IS, THEREFORE, ORDERED that the Application by Trustee for Authority to Pay Exemptions Under *11 U.S.C. Section 522(d)(5)*, filed by Stephen J. Zayler, Chapter 7 Trustee, is hereby GRANTED so as to authorize Trustee to pay to Debtors, Phonzo Wayne Swan and Betty Joyce Swan, the sum of FOUR THOUSAND FOUR HUNDRED SIXTY-NINE AND 78/100 DOLLARS (\$4,469.78) from the collection of post-petition payments on a Contract for Deed.

Signed on 03/04/2003

  
\_\_\_\_\_  
U.S. Bankruptcy Judge



**EOD**

04/29/2003

IN THE UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF TEXAS  
LUFKIN DIVISION

IN RE: )  
 )  
PHONZO WAYNE SWAN ) CASE NO. 01-90925  
BETTY JOYCE SWAN ) CHAPTER 7  
 )  
DEBTORS )

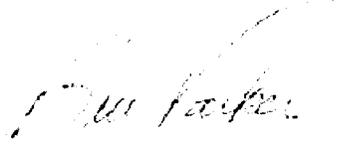
**ORDER APPROVING APPLICATION FOR COMPENSATION AND  
REIMBURSEMENT OF EXPENSES FOR COUNSEL FOR THE TRUSTEE  
AS AN ADMINISTRATIVE EXPENSE**

CAME ON this day to be considered the *Application for Compensation and Reimbursement of Expenses* filed by STEPHEN J. ZAYLER, Trustee, on behalf of STEPHEN J. ZAYLER, as Attorney for Trustee. The Court finds that the Motion was properly served pursuant to the Federal and Local Rules of Bankruptcy Procedure and that it contained the appropriate twenty (20) day negative notice language, pursuant to Local Rule of Bankruptcy Procedure 9007, which directed any party opposed to the granting of the relief sought by the Motion to file a written response within twenty (20) days or the Motion would be deemed by the Court to be unopposed. The Court finds that no objection or other written response to the motion has been timely filed by any party. The Court, having reviewed the Application and determined whether the services outlined in the Application were actual, reasonable and necessary, finds that good cause exists for the entry of the following Order.

IT IS THEREFORE, ORDERED that the said Application to pay the Attorney for Trustee is approved; and the Trustee is authorized to pay to STEPHEN J. ZAYLER as an administrative expense for legal services rendered as Attorney for Trustee for the Bankruptcy Estate, the sum of **\$480.00**, and reimbursement of out-of-pocket expenses in the sum and amount of **\$117.94** for a total of fees and expenses of **\$597.94** and that the same be paid from the funds of this estate upon execution thereof.

Signed on 04/29/2003

DATED this \_\_\_\_\_ day of \_\_\_\_\_

  
\_\_\_\_\_  
U.S. BANKRUPTCY JUDGE

**EOD**

IN THE UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF TEXAS  
LUFKIN DIVISION

05/01/2003

IN RE:	§	
	§	
PHONZO WAYNE SWAN	§	CASE NO. 01-90925
SSN: 435-84-8394	§	CHAPTER 7
BETTY JOYCE SWAN	§	
SSN: 463-66-0833	§	
	§	
DEBTORS	§	

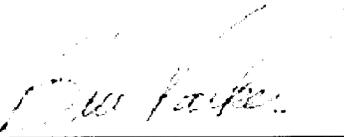
**ORDER APPROVING THE EMPLOYMENT OF**  
**DAVID S. TAMMINGA**  
**AS ACCOUNTANT FOR THE ESTATE**

ON THIS DATE this Court considered the Application of Stephen J. Zayler, praying for authority under 11 USC § 327, for an order approving the employment of **DAVID S. TAMMINGA** as primary bankruptcy accountant for the Chapter 7 Estate in the above referenced case. The Application has been served upon the United States Trustee as required by the Local Rules of Bankruptcy Procedure and no objection to the Application has been timely filed by the United States Trustee.

Upon review of the Application, it appears to the Court that the proposed professional is “disinterested” as that term is defined in 11 USC. §101(14) and that the proposed professional represents or holds no interest adverse to the Estate, and that his employment is necessary and will be to the best interest of this estate. Accordingly,

**IT IS THEREFORE ORDERED** that the Application is **GRANTED** and that the employment of **DAVID S. TAMMINGA** as primary bankruptcy accountant for the Chapter 7 Estate in the above referenced

case is hereby **APPROVED** for the purposes as set out in Trustee’s Motion to Employ David S. Tamminga, a Certified Public Accountant Under 11 USC Section 327, with such reasonable compensation and reimbursement of out-of-pocket expenses, as may be awarded by the Court upon proper application submitted pursuant to Fed. R. Bankr. P.2016(a) and Local Rule of Bankruptcy Procedure 2016, to be paid as an administrative expense in this proceeding.

Signed on 05/01/2003  
  
\_\_\_\_\_  
BANKRUPTCY JUDGE

SIGNED this the \_\_\_\_\_ day of \_\_\_\_\_

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
LUFKIN DIVISION

**EOD**  
08/25/2003

IN RE: ]  
] ]  
PHONZO WAYNE SWAN ] CASE NO. 01-90925  
SSN: 435-54-8394 ] CHAPTER 7  
BETTY JOYCE SWAN ] ]  
SSN: 463-66-0833 ] ]  
DEBTORS ] ]

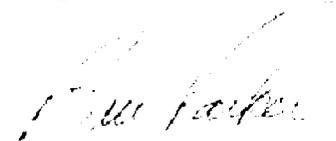
**ORDER ALLOWING COMPENSATION TO ACCOUNTANT**

CAME ON this day to be considered the *Motion for Allowance of Compensation to Accountant* filed by STEPHEN J. ZAYLER, Trustee, on behalf of DAVID S. TAMMINGA, Certified Public Accountant for the Bankruptcy Estate. The Court finds that the Motion was properly served pursuant to the Federal and Local Rules of Bankruptcy Procedure and that it contained the appropriate twenty (20) day negative notice language, pursuant to Local Rule of Bankruptcy Procedure 9007, which directed any party opposed to the granting of the relief sought by the Motion to file a written response within twenty (20) days or the Motion would be deemed by the Court to be unopposed. The Court finds that no objection or other written response to the motion has been timely filed by any party. The Court, having reviewed the Application and determined whether the services outlined in the Application were actual, reasonable and necessary, finds that good cause exists for the entry of the following Order.

IT IS, THEREFORE, ORDERED that the Motion for Allowance of Compensation to Accountant is approved; and the Trustee is authorized to pay to DAVID S. TAMMINGA, as an administrative expense compensation for services rendered as Accountant for the Bankruptcy Estate, the sum of **\$300.00**, and that this amount be paid from the funds of this estate upon entry of this Order.

Signed on 08/24/2003

DATED this \_\_\_\_\_ day of \_\_\_\_\_



\_\_\_\_\_  
BILL PARKER  
U.S. BANKRUPTCY JUDGE

**SCHEDULE B**

**APPLICATION FOR COMPENSATION**

**COMPUTATION OF COMMISSIONS**

Receipts	\$12,766.87	25% of First \$5,000	\$0.00
Less	-\$5,000	(\$1,250.00 Max)	
Balance	\$7,766.87	10% of Next \$45,000	\$0.00
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 \$2,026.69

**TRUSTEE EXPENSES:**

Premium on Trustee's Bond	\$0.00
Travel (0.00 at 0.00cents per mile)	\$0.00
Copies (466.00 page at 0.25 cents per copy)	\$116.50
Postage	\$31.30
Telephone Charges	\$9.16
Clerical/Secretarial (7.80 at 15.00 per hour)	\$117.00
Paralegal/Assistance (1.40 at 50.00 per hour)	\$70.00
Supplies/Stationary	\$0.50
Distribution Expenses	\$0.00
Miscellaneous	\$0.00

TOTAL EXPENSES \$344.46

Records : Trustee did not take possession of x  
business or personal records of Debtor. \_\_\_\_\_

Notice given debtor on  
to pick up business or personal records  
in hands of Trustee. \_\_\_\_\_

## Compensation and Expenses Worksheet

**Case Number: 01-90925 BP9**

**Debtor: SWAN, PHONZO WAYNE**

**Joint Debtor: SWAN, BETTY JOYCE**

### 1. COMPUTATION OF COMPENSATION

Total disbursements to other than the debtor are:

Pursuant to 11 U.S.C. § 326, compensation is computed as follows:			\$12,766.87
	\$12,766.87	25% of First \$5,000	\$1,250.00
Less	-	\$5,000.00 (\$1,250 Maximum)	
Balance	\$7,766.87	10% of Next \$45,000	\$776.69
Less	-	\$7,766.87 (\$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:			\$2,026.69
Less Previously Paid Compensation:			\$0.00
 TOTAL COMPENSATION REQUESTED:			\$2,026.69

### 2. TRUSTEE EXPENSES

The Trustee has incurred the following expenses:

07/31/01	COPY: Photocopy/Duplication Expense 1 page @ 0.2500 / page	\$0.25
07/31/01	POST: Postage 1 each @ 0.3400 / each	\$0.34
08/08/01	COPY: Photocopy/Duplication Expense 1 page @ 0.2500 / page	\$0.25
08/08/01	PHONE: Telephone Expense 1 @ 1.0000 903-938-9707	\$1.00
08/08/01	PHONE: Telephone Expense 1 @ 1.0000 409-898-8400	\$1.00
08/08/01	POST: Postage 1 each @ 0.3400 / each	\$0.34
08/30/01	PHONE: Telephone Expense 1 @ 0.1600 fax	\$0.16
10/18/01	COPY: Photocopy/Duplication Expense 38 pages @ 0.2500 / page	\$9.50
10/18/01	POST: Postage 1 each @ 1.6000 / each	\$1.60
10/24/01	COPY: Photocopy/Duplication Expense 1 page @ 0.2500 / page	\$0.25
10/24/01	COPY: Photocopy/Duplication Expense 6 pages @ 0.2500 / page	\$1.50
10/24/01	POST: Postage 1 each @ 1.0200 / each	\$1.02
10/24/01	POST: Postage 1 each @ 3.9400 / each	\$3.94

## Compensation and Expenses Worksheet

**Case Number: 01-90925 BP9**

**Debtor: SWAN, PHONZO WAYNE**

**Joint Debtor: SWAN, BETTY JOYCE**

10/25/01	COPY: Photocopy/Duplication Expense 4 pages @ 0.2500 / page	\$1.00
11/20/01	COPY: Photocopy/Duplication Expense 2 pages @ 0.2500 / page	\$0.50
12/27/01	COPY: Photocopy/Duplication Expense 2 pages @ 0.2500 / page	\$0.50
12/28/01	COPY: Photocopy/Duplication Expense 5 pages @ 0.2500 / page	\$1.25
12/28/01	POST: Postage 1 each @ 0.3400 / each	\$0.34
01/17/02	COPY: Photocopy/Duplication Expense 1 page @ 0.2500 / page	\$0.25
01/17/02	POST: Postage 1 each @ 0.3400 / each	\$0.34
01/22/02	COPY: Photocopy/Duplication Expense 2 pages @ 0.2500 / page	\$0.50
02/22/02	COPY: Photocopy/Duplication Expense 2 pages @ 0.2500 / page	\$0.50
03/27/02	COPY: Photocopy/Duplication Expense 3 pages @ 0.2500 / page	\$0.75
04/03/02	PHONE: Telephone Expense 1 @ 1.0000 903-938-9788	\$1.00
04/24/02	COPY: Photocopy/Duplication Expense 3 pages @ 0.2500 / page	\$0.75
05/28/02	COPY: Photocopy/Duplication Expense 3 pages @ 0.2500 / page	\$0.75
06/24/02	COPY: Photocopy/Duplication Expense 3 pages @ 0.2500 / page	\$0.75
08/28/02	COPY: Photocopy/Duplication Expense 3 pages @ 0.2500 / page	\$0.75
09/05/02	COPY: Photocopy/Duplication Expense 1 page @ 0.2500 / page	\$0.25
09/05/02	POST: Postage 1 each @ 0.3700 / each	\$0.37
09/17/02	PHONE: Telephone Expense 1 @ 1.0000 903-938-9788	\$1.00
09/25/02	PHONE: Telephone Expense 1 @ 2.0000 903-938-9788	\$2.00
09/30/02	COPY: Photocopy/Duplication Expense 3 pages @ 0.2500 / page	\$0.75
10/30/02	COPY: Photocopy/Duplication Expense 3 pages @ 0.2500 / page	\$0.75
12/09/02	COPY: Photocopy/Duplication Expense 3 pages @ 0.2500 / page	\$0.75
12/20/02	COPY: Photocopy/Duplication Expense 3 pages @ 0.2500 / page	\$0.75
01/24/03	COPY: Photocopy/Duplication Expense 3 pages @ 0.2500 / page	\$0.75
03/10/03	POST: Postage 1 each @ 0.3700 / each	\$0.37
03/17/03	PHONE: Telephone Expense 1 @ 1.0000 fax 281-445-6180	\$1.00
03/17/03	PHONE: Telephone Expense 1 @ 2.0000 281-445-3687	\$2.00
09/22/03	COPY: Photocopy/Duplication Expense 342 pages @ 0.2500 / page	\$85.50
09/22/03	COPY: Photocopy/Duplication Expense 28 pages @ 0.2500 / page	\$7.00
09/22/03	PARA: Paralegal Expense 1.4 @ 50.0000	\$70.00
09/22/03	POST: Postage 2 each @ 3.9500 / each	\$7.90

## Compensation and Expenses Worksheet

Case Number: 01-90925 BP9

Debtor: SWAN, PHONZO WAYNE

Joint Debtor: SWAN, BETTY JOYCE

09/22/03	POST: Postage 3 @ 4.4200	\$13.26
09/22/03	POST: Postage 4 each @ 0.3700 / each	\$1.48
09/22/03	SEC: Secretarial Expense 7.8 @ 15.0000	\$117.00
09/22/03	SUPPLY: Supplies & Stationery 5 @ 0.1000 Manilla Folders	\$0.50

### Expense Summary

COPY: Photocopy/Duplication Expense 466 pages @ 0.25 / page	\$116.50
PARA: Paralegal Expense 1.4 @ 50.00	\$70.00
PHONE: Telephone Expense 1 @ 0.16	\$0.16
PHONE: Telephone Expense 5 @ 1.00	\$5.00
PHONE: Telephone Expense 2 @ 2.00	\$4.00
POST: Postage 3 @ 4.42	\$13.26
POST: Postage 4 each @ 0.34 / each	\$1.36
POST: Postage 6 each @ 0.37 / each	\$2.22
POST: Postage 1 each @ 1.02 / each	\$1.02
POST: Postage 1 each @ 1.60 / each	\$1.60
POST: Postage 1 each @ 3.94 / each	\$3.94
POST: Postage 2 each @ 3.95 / each	\$7.90
SEC: Secretarial Expense 7.8 @ 15.00	\$117.00
SUPPLY: Supplies & Stationery 5 @ 0.10	\$0.50

TOTAL EXPENSES CALCULATED:	\$344.46
Less Previously Paid Expenses:	\$0.00

**TOTAL EXPENSES REQUESTED: \$344.46**

**TOTAL EXPENSES AND COMPENSATION REQUESTED: \$2,371.15**

DATED: 09/22/03

SIGNED



TRUSTEE: Stephen J. Zayler

P. O. Box 150743

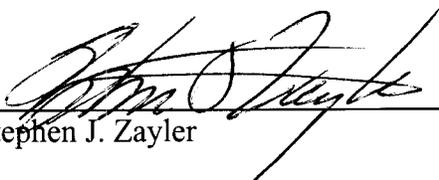
Lufkin, TX 75915-0743

THE STATE OF TEXAS )

COUNTY OF )

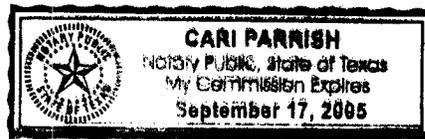
BEFORE ME, the undersigned authority on this date personally appeared Stephen J. Zayler, and under oath stated the following:

"I, Stephen J. Zayler, am the duly appointed Trustee in the Phonzo and Betty Swan 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, sold real estate in Harris County, 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 22nd day of September, 2003.

  
\_\_\_\_\_  
NOTARY PUBLIC, THE STATE OF TEXAS



ITEMIZATION OF SECRETARIAL AND CLERICAL TIME

June 8, 2001 - Load assets, lien, and exemption information;  
(RA - .40)

November 20, 2001 - Open bank account and loan bank account information;  
(CP - .20)

November 20, 2001 - Prepare W-9 Form;  
(CP - .10)

November 20, 2001 - Prepare deposit, post, and transmit;  
(CP - .40)

December 13, 2001 - Reconcile Bank Statement;  
(MR - .10)

December 27, 2001 - Prepare deposit, post, and transmit;  
(CP - .20)

January 17, 2002 - Reconcile Bank Statement;  
(MR - .10)

January 22, 2002 - Prepare deposit, post, and transmit;  
(CP - .20)

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

February 22, 2002 - Prepare deposit, post, and transmit;  
(CP - .20)

March 10, 2003 - Prepare check to Debtor for Exemption portion;  
(CP - .20)

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

March 27, 2002 - Prepare deposit, post, and transmit;  
(CP - .20)

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

April 24, 2002 - Prepare deposit, post, and transmit;  
(CP - .20)

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

May 28, 2002 - Prepare deposit, post, and transmit;  
(CP - .20)

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

June 24, 2002 - Prepare deposit, post, and transmit;  
(CP - .20)

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

July 24, 2002 - Prepare deposit, post, and transmit;  
(CP - .20)

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

August 28, 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)

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

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

December 9, 2002 - Prepare deposit, post, and transmit;  
(CP - .20)

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

December 23, 2002 - Prepare deposit, post, and transmit;  
(CP - .20)

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

January 27, 2003 - Prepare deposit, post, and transmit;  
(CP - .20)

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

February 26, 2003 - Prepare deposit, post, and transmit;  
(CP - .20)

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

March 19, 2003 - Request Claims Folder  
(CP - .10)

March 26, 2003 - Prepare deposit, post, and transmit;  
(CP - .20)

March 26, 2003 - Return claims folder to Court;  
(CP - .10)

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

April 30, 2003 - Prepare check to Stephen J. Zayler, for Attorney for Trustee fees and expenses;  
(CP - .20)

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)

August 27, 2003 - Prepare check to David Tamminga, Accountant for fees;  
(CP .20)

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

September 22, 2003 - Compile Trustee's Final Report for Submission to U. S. Trustee;  
(CP - .30)

September 22, 2003 - Transfer funds from MMA to checking account at Bank of America and post accrued interest;  
(CP - .20)

RECAP OF SECRETARIAL & CLERICAL TIME:

REBECCA ALLEN	-	0.40 hrs. @ \$15.00/per hr.	=	6.00
CARI PARRISH	-	5.30 hrs. @ \$15.00/per hr.	=	79.50
MILLIE REEVES	-	2.10 hrs. @ \$15.00/per hr.	=	31.50
				<hr/>
TOTAL:		7.80 hrs. @ \$15.00/per hr.	=	\$ 117.00

ITEMIZATION OF PARALEGAL TIME

April 16, 2003 - Prepare Motion to Employ CPA along with Order;  
(MR - .60)

July 23, 2003 - Prepare Motion for Allowance of Compensation to Accountant along with  
its proposed Order;  
(MR - .80)

RECAP OF PARALEGAL TIME:

MILLIE REEVES (MR) - 1.40 hrs. @ \$50.00/per hr. = \$ 70.00

TOTAL 1.40 hrs. @ \$50.00/per hr. = \$ 70.00

\*This paralegal time occurred after Application for Compensation and Reimbursement of Expenses for Counsel for the Trustee was submitted.

**Millie Lowry Buck**

Employed by the Trustee February 1989. Formerly employed by an attorney, but had no bankruptcy experience prior to coming to work for the Trustee. Left Trustee's employment in August, 1990 to raise family and returned to work for the Trustee in January, 2001. During the time that she was off raising a family, she occasionally worked for her former husband, who was an attorney.

Her duties include assisting in the set-up of files, filing, occasionally preparing receipts of checks, assisting in the mailing of notices, assisting in posting to ledger and reconciling bank statements, occasionally preparing deposits for mailing to Bank of America by Airborne Express, preparation of general correspondence and answering various telephone calls between the Trustee and interested parties regarding routine questions, verifying receipts against bank statements, assisting in the copying and mailing of notices, pleadings and general correspondence, preparation of objections to claims, preparation of various pleadings, and assisting in the preparation of semi-annual reports.

ITEMIZATION OF TRUSTEE TIME

June 7, 2001 - Initial review of Schedules and Statement of Financial Affairs;  
(SJZ - .20)

May 7, 2001 - Receipt of Notice of Appointment;  
(SJZ - .10)

May 8, 2001 - Receipt and review of Notice of 341a meeting;  
(SJZ - .10)

June 6, 2001 - Review file prior to conducting 341a meeting;  
(SJZ - .10)

June 6, 2001 - Prepare sign-in sheet;  
(SJZ - .10)

June 7, 2001 - Conduct 341a meeting;  
(SJZ - .20)

June 8, 2001 - Prepare Proceeding Memo;  
(SJZ - .20)

June 8, 2001 - Review of typed proceeding memo and execute same;  
(SJZ - .10)

June 8, 2001 - Correspondence to Court transmitting proceeding memo and execute same;  
(SJZ - .20)

June 21, 2001 - Receive and docket bar date;  
(SJZ - .10)

June 29, 2001 - Receive and review 1<sup>st</sup> Amended Petition, Schedule A, and Statement of Financial Affairs;  
(SJZ - .10)

August 7, 2001 - Prepare Notice to Potential Bidder (11) for mineral interest in Louisiana (99 acres);  
(SJZ - 1.00)

August 8, 2001 - Prepare second request letter regarding information on asbestos case;  
(SJZ - .20)

August 28, 2001 - Receive and review Proof of Claim filed by MBNA;  
(SJZ - .10)

October 23, 2001 - Prepare letter to Darrell and Jamie Doyle, purchasers of real property, to make payments to Trustee;  
(SJZ - .20)

October 25, 2001 - Prepare Form 1 and Form 2;  
(SJZ - .30)

November 8, 2001 - Review and execute Motion to Employ Attorney;  
(SJZ - .10)

November 20, 2001 - Review of W-9 for NationsBank and execute same;  
(SJZ - .10)

November 20, 2001 - Review of deposit and initial deposit;  
(SJZ - .10)

November 26, 2001 - Receive and review bank stamped deposit slip;  
(SJZ - .10)

November 26, 2001 - Telephone conference with attorney Jean Taylor regarding amending Schedule C;  
(SJZ - .10)

December 5, 2001 - Receive and review Order Employing Attorney for Trustee;  
(SJZ - .10)

December 13, 2001 - Receipt of and review bank Statement;  
(SJZ - .10)

December 14, 2001 - Receive and review correspondence that Debtor Betty Swan passed away;  
(SJZ - .10)

December 27, 2001 - Review of deposit and initial deposit;  
(SJZ - .10)

December 28, 2001 - Prepare letter to Darrell Doyle regarding unpaid taxes on property purchased;  
(SJZ - .20)

January 9, 2002 - Receive and review bank stamped deposit slip;  
(SJZ - .10)

January 16, 2002 - Telephone conference to Darrell Doyle regarding ad valorem tax on real estate;  
(SJZ - .20)

January 16, 2002 - Prepare letter confirming conversation with Darrell Doyle;  
(SJZ - .20)

January 17, 2002 - Receipt of and review bank statement;  
(SJZ - .10)

January 22, 2002 - Review of deposit and initial deposit;  
(SJZ - .10)

January 30, 2002 - Receive and review bank stamped deposit slip;  
(SJZ - .10)

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

February 22, 2002 - Review of deposit and initial deposit;  
(SJZ - .10)

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

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

March 27, 2002 - Review of deposit and initial deposit;  
(SJZ - .10)

April 1, 2002 - Receive and review bank stamped deposit slip;  
(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 24, 2002 - Review of deposit and initial deposit;  
(SJZ - .10)

April 29, 2002 - Receive and review bank stamped deposit slip;  
(SJZ - .10)

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

May 28, 2002 - Review of deposit and initial deposit;  
(SJZ - .10)

June 3, 2002 - Receive and review bank stamped deposit slip;  
(SJZ - .10)

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

June 24, 2002 - Review of deposit and initial deposit;  
(SJZ - .10)

July 1, 2002 - Receive and review bank stamped deposit slip;  
(SJZ - .10)

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

July 24, 2002 - Review of deposit and initial deposit;  
(SJZ - .10)

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

August 28, 2002 - Review of deposit and initial deposit;  
(SJZ - .10)

September 3, 2002 - Receive and review bank stamped deposit slip;  
(SJZ - .10)

September 4, 2002 - Prepare letter to attorney Jean Taylor requesting Schedule C be amended and accounting of payments on real estate note;  
(SJZ - .20)

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

September 17, 2002 - Telephone conference to debtor's attorney requesting amended schedules;  
(SJZ - .10)

September 25, 2002 - Telephone conference with Jean Taylor regarding accounting of funds received on account receivable;  
(SJZ- .20)

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

October 7, 2002 - Telephone conference with Debtor's attorney regarding amended schedules;  
(SJZ - .10)

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

October 14, 2002 - Telephone conference with Jean Taylor regarding amended schedules;  
(SJZ - .10)

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

November 8, 2002 - Receive and review bank stamped deposit slip;  
(SJZ - .10)

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

December 9, 2002 - Review of deposit and initial deposit;  
(SJZ - .10)

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

December 23, 2002 - Review of deposit and initial deposit;  
(SJZ - .10)

December 23, 2002 - Receive and review bank stamped deposit slip;  
(SJZ - .10)

January 6, 2002 - Receive and review bank stamped deposit slip;  
(SJZ - .10)

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

January 27, 2003 - Review of deposit and initial deposit;  
(SJZ - .10)

February 3, 2003 - Receive and review bank stamped deposit slip;  
(SJZ - .10)

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

February 26, 2003 - Review of deposit and initial deposit;  
(SJZ - .10)

March 5, 2003 - Receive and review Order on Trustee's Motion to Pay Exemptions;  
(SJZ - .10)

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

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

March 17, 2003 - Telephone conference with Regina at Citifianacial regarding  
payoff of Darrell Doyle;  
(SJZ - .10)

March 18, 2003 - Additional conversation with Regina at Citifinancial;  
(SJZ - .10)

March 18, 2003 - Prepare fax written payoff on Darrell Doyle note to  
Citifinancial;  
(SJZ - .10)

March 26, 2003 - Review of deposit and initial deposit;  
(SJZ - .10)

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

April 16, 2003 - Review and execute motion to Employ David Tamminga, CPA;  
(SJZ - .10)

April 16, 2003 - Prepare Form 1 and Form 2;  
(SJZ - .30)

May 1, 2003 - Receive and review Order Employing David Tamminga, Accountant;  
(SJZ - .10)

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)

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

August 25, 2003 - Receive and review Order to pay David Tamminga, Accountant;  
(SJZ - .10)

August 27, 2003 - Review and execute check made payable to David Tamminga;  
(SJZ - .10)

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

TOTAL ITEMIZED TRUSTEE TIME: 11.80 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.

**UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
LUFKIN DIVISION**

APR 23 AM 9:16  
COURT CLERK  
LUFKIN, TX

**In Re:**

Phonzo Wayne Swan  
Betty Joyce Swan

**Bankruptcy Case:** 01-90925 bp  
Chapter 7

**Debtor(s):**

---

**BILL OF COURT 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 **\$0 (Total Amount)**

These costs are itemized as follows

NOTICES

\$0.25 per notice in excess of 50 notices mailed prior to 1/1/87. -- **\$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 NOTICE FEES.  
(Do Not Bill for \$0.50 per notice)

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

PROCESSING CLAIMS

**NOTE:** The fee of \$0.25 for clerical processing of each claim in excess of 10 in cases filed under the Act or Code has been eliminated

DEFERRED ADVERSARY FILING FEES

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

**TOTAL AMOUNT DUE**

**\$0**

Check to be made payable to Clerk, U.S. Bankruptcy Court

Date: **April 23, 2003**

JAMES D. TOKOPH  
Clerk of Court

BY: Shawn Ponaforte  
Deputy Clerk

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	0.00	0.00	0.00	0.00
B. Trustee - Expense	0.00	0.00	0.00	0.00
C. SPECIAL ACCOUNTANT FEES	300.00	300.00	300.00	0.00
D. TRUSTEE ATTORNEY FEES	597.94	597.94	597.94	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:	\$897.94	\$897.94	\$897.94	\$0.00

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

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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)	0.00	0.00	0.00	0.00
8. Other (No Basis):	0.00	0.00	0.00	0.00
<b>TOTALS:</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>

SCHEDULE E

PARTIES AFFECTED:

Priority No. Name of Creditor			Priority No. Name of Creditor	
FILED UNSECURED CLAIMS TOTAL:	57,568.46	57,568.46	4,469.78	53,098.68
SUBORDINATED UNSECURED CLAIMS TOTAL:	0.00	0.00	0.00	0.00

EXHIBIT A  
ANALYSIS OF CLAIMS REGISTER

Case Number: 01-90925

Page 1

Date: September 22, 2003

Debtor Name: SWAN, PHONZO WAYNE

Claim Class 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		\$597.94	\$597.94	\$0.00
025 SACF	DAVID S. TAMMINGA CPA 1403 TURTLE CREEK LUFKIN, TX 75901	Administrative		\$300.00	\$300.00	\$0.00
080 BD	PHONZO WAYNE SWAN AND BETTY JOYCE SWAN 4880 FM 139 JOAQUIN, TEXAS 75954	Unsecured		\$4,469.78	\$4,469.78	\$0.00
000001 070 UC	Discover Bank Discover Financial Services PO Box 8003 Hilliard, OH 43026	Unsecured		\$4,801.72	\$0.00	\$4,801.72
000002 070 UC	Texas Higher Education Coordinating Brd PO Box 12788 Austin, TX 78711-2788	Unsecured		\$553.09	\$0.00	\$553.09
000003 070 UC	Providian National Bank fka First Deposit National Bank 4900 Johnson Dr Pleasanton, CA 94588	Unsecured		\$17,237.78	\$0.00	\$17,237.78
000004 070 UC	MBNA America Bank NA PO Box 15168 MS 1421 Wilmington, DE 19850	Unsecured		\$16,856.49	\$0.00	\$16,856.49
000005 070 UC	Chase Manhattan Bank USA, N.A. PO Box 659798 San Antonio, TX 78265	Unsecured		\$13,629.60	\$0.00	\$13,629.60
000006 070 UC	Texas Workforce Commission Benefit Payment Control Room 370 101 East 15th Street Austin TX 78778	Unsecured		\$20.00	\$0.00	\$20.00
Case Totals:				\$58,466.40	\$5,367.72	\$53,098.68

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

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

IN RE:	)	
SWAN, PHONZO WAYNE	)	CASE NO. 01-90925
SWAN, BETTY JOYCE	)	
	)	CHAPTER 7
DEBTOR(S)	)	

TRUSTEE'S REPORT OF  
PROPOSED FINAL DISTRIBUTIONS

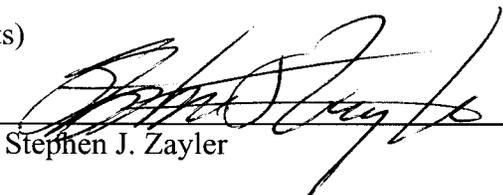
The undersigned trustee of the estate hereby submits to the Court and to the United States Trustee this Report of Proposed Final Distributions.

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	\$11,644.37
2. ADMINISTRATIVE EXPENSES TO BE PAID * (note)	\$2,371.15
3. SECURED CLAIMS TO BE PAID * (note)	\$0.00
4. PRIORITY CLAIMS TO BE PAID * (note)	\$0.00
5. UNSECURED CLAIMS TO BE PAID * (note)	\$9,273.22
6. OTHER DISTRIBUTIONS TO BE PAID * (note)	\$0.00
7. TOTAL DISTRIBUTIONS TO BE MADE (Sum of lines 2 through 6)	\$11,644.37
8. ZERO BALANCE AFTER ALL DISTRIBUTIONS (Line 1 less line 7)	\$0.00

\* (See attached schedule of payees and amounts)

  
 \_\_\_\_\_ (Trustee)  
 Stephen J. Zayler

# PROPOSED DISTRIBUTION

Case Number: 01-90925

Page 1

Date: September 22, 2003

Debtor Name: SWAN, PHONZO WAYNE \ SWAN, BETTY JOYCE

Claim #	Payee Name	Class	Priority	Amount	Paid to Date	Claim Balance	Proposed Pymt	Funds Remaining
Beginning Balance								\$11,644.37
	Stephen J. Zayler COMPENSATION	Admin		\$2,026.69	\$0.00	\$2,026.69	\$2,026.69	\$9,617.68
	Stephen J. Zayler EXPENSES	Admin		\$344.46	\$0.00	\$344.46	\$344.46	\$9,273.22
	STEPHEN J. ZAYLER	Admin	025	\$597.94	\$597.94	\$0.00	\$0.00	\$9,273.22
	DAVID S. TAMMINGA	Admin	025	\$300.00	\$300.00	\$0.00	\$0.00	\$9,273.22
000001	Discover Bank	Unsec	070	\$4,801.72	\$0.00	\$4,801.72	\$838.58	\$8,434.64
000002	Texas Higher Education Coordinating Brd	Unsec	070	\$553.09	\$0.00	\$553.09	\$96.59	\$8,338.05
000003	Providian National Bank	Unsec	070	\$17,237.78	\$0.00	\$17,237.78	\$3,010.43	\$5,327.62
000004	MBNA America Bank NA	Unsec	070	\$16,856.49	\$0.00	\$16,856.49	\$2,943.84	\$2,383.78
000005	Chase Manhattan Bank USA, N.A.	Unsec	070	\$13,629.60	\$0.00	\$13,629.60	\$2,380.29	\$3.49
000006	Texas Workforce Commission	Unsec	070	\$20.00	\$0.00	\$20.00	\$3.49	\$0.00
	PHONZO WAYNE SWAN AND	Unsec	080	\$4,469.78	\$4,469.78	\$0.00	\$0.00	\$0.00
<< Totals >>				\$60,837.55	\$5,367.72	\$55,469.83	\$11,644.37	\$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.