

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

FILED  
US BANKRUPTCY COURT  
EASTERN DISTRICT OF TEXAS

JUL 20 1 03 PM '01

IN RE: )  
SMITH, LAWRENCE S. )  
SMITH, MARY D. )  
DEBTOR(S) )

CASE NO. 98-11484  
CHAPTER 7

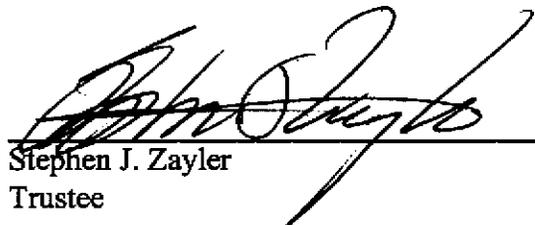
CLERK US BANKRUPTCY  
BY DEPUTY \_\_\_\_\_

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

Stephen J. Zayler, 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 the office of the trustee, that the trustee has examined all proofs of claims as appropriate under the proposed distribution, and that the proposed distribution, attached hereto, is proper and consistent with the law and rules of the court. The trustee applies for commission and expenses set forth herein and states that they are reasonable and proper.

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

DATE: May 23, 2001

  
\_\_\_\_\_  
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 and have no objection.

United States Trustee

Date: 7-10-01

By: 



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

IN RE: )  
SMITH, LAWRENCE S. ) CASE NO. 98-11484  
SMITH, MARY D. )  
DEBTOR(S) ) CHAPTER 7

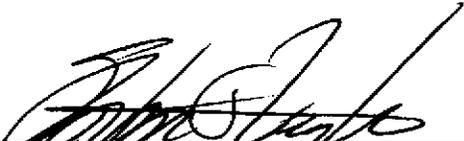
**TRUSTEE'S FINAL REPORT, APPLICATION FOR COMPENSATION  
AND APPLICATION TO CLOSE CASE AND DISCHARGE TRUSTEE**

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: May 23, 2001

  
Stephen J. Zayler Trustee

**SCHEDULE A-1**

FINAL ACCOUNT AS OF May 23, 2001

A. RECEIPTS		\$83,962.03
B. DISBURSEMENTS		
(1) Secured creditors	0.00	
(2) Administrative	14,352.29	
(3) Priority	0.00	
(4) Other BACK TO DEBTOR	53,094.93	
TOTAL DISBURSEMENTS		\$67,447.22
<hr/>		
BALANCE OF FUNDS		\$16,514.81

**TRUSTEE'S FINAL REPORT CASE SUMMARY**

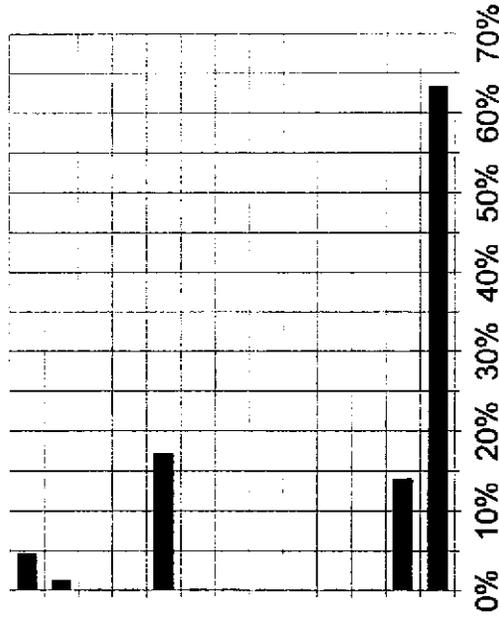
**TRUSTEE: ZAYLER**

COMMENTS:

CASE NAME: SMITH, LAWRENCE/MARY  
 CASE NUMBER: 98-11484  
 DATE UST APPROVED: 07-10-01

ESTATE INCOME: \$83,962.03 100.00%  
 TOTAL RECEIPTS:

ESTATE EXPENSES:	AMOUNT	PERCENT
TRUSTEE'S COMMISSION	3,836.71	4.57%
TRUSTEE'S EXPENSES	985.57	1.17%
FIRM'S PROFESSIONAL FEES	0.00	0.00%
FIRM'S PROFESSIONAL EXPENSES	0.00	0.00%
OTHER ATTORNEY FEES	14,352.29	17.09%
OTHER PROFESSIONAL FEES	0.00	0.00%
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	11,692.53	13.93%
UNSECURED CLAIMS PAID	53,094.93	63.24%
OTHER(RETURN TO DEBTOR, ETC)		



UNSECURED CLAIMS ALLOWED 10,260.50  
 UNSECURED CLAIMS PAID 11,692.53  
 PERCENT RECOVERED FOR UNSECURED 113.96%



FORM 2

ESTATE CASH RECEIPTS AND DISBURSEMENTS RECORD

Case No: 98-11484 BP1  
 Case Name: SMITH, LAWRENCE S.  
 SMITH, MARY D.  
 Taxpayer ID No: 75-6579662  
 For Period Ending: 05/23/01

Trustee Name: Stephen J. Zayler  
 Bank Name: BANK OF AMERICA  
 Account Number: 3754223677 Money Market - Interest Bearing

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

1	2	3	4	5	6	7	8	9	10
Transaction Date	Check or Reference	Paid To / Received From	Description Of Transaction	Deposits (\$)	Interest (\$)	Checks (\$)	Adjustments (\$)	Transfers (\$)	Account Balance (\$)
06/28/00	10	WALTER UMPHREY, TRUST ACCT.	BALANCE FORWARD						0.00
06/30/00	11	BANK OF AMERICA	PARTIAL SETTLEMENT OF LAWSUIT Interest Rate 2.350	15,224.10	0.92				15,224.10
07/31/00	11	BANK OF AMERICA	Interest Rate 2.350		30.22				15,225.00
08/30/00	10	WALTER UMPHREY, TRUSTEE	PARTIAL SETTLEMENT OF LAWSUIT	11,850.00					27,105.24
08/31/00	11	BANK OF AMERICA	Interest Rate 2.350		30.39				27,135.63
09/26/00	000101	PROVOST & UMPHREY ATTORNEY AT LAW P. O. BOX 4905 BEAUMONT, TX 77704	PAYMENT OF ATTORNEY FEES Per Order dated 9-8-00.			6,089.64			21,045.99
09/26/00	000102	PROVOST & UMPHREY ATTORNEY AT LAW P. O. BOX 4905 BEAUMONT, TX 77704	PAYMENT OF ATTORNEY EXPENSES per Order dated 9-8-00.			838.16			20,207.83
09/29/00	11	BANK OF AMERICA	Interest Rate 2.350		50.39				20,258.22
10/31/00	11	BANK OF AMERICA	Interest Rate 2.350		55.47				20,313.69
11/30/00	11	BANK OF AMERICA	Interest Rate 2.350		39.17				20,352.86
12/19/00	000103	PROVOST & UMPHREY ATTORNEY AT LAW P. O. BOX 4905 BEAUMONT, TX 77704	PAYMENT OF ATTORNEY FEES PER ORDER DATED 10-16-00.			4,060.00			16,292.86
12/19/00	000104	PROVOST & UMPHREY ATTORNEY AT LAW P. O. BOX 4905 BEAUMONT, TX 77704	PAYMENT OF SPECIAL COUNSEL EXPENSES PER ORDER DATED 10-16-00.			908.56			15,384.30
12/29/00	11	BANK OF AMERICA	Interest Rate 2.350		37.93				15,422.23
01/31/01	11	BANK OF AMERICA	Interest Rate 2.350		39.14				15,461.37
02/13/01	10	WALTER UMPHREY, TRUSTEE	SETTLEMENT PROCEEDS	56,146.36					71,607.73
02/28/01	11	BANK OF AMERICA	Interest Rate 2.350		74.04				71,681.77
03/30/01	11	BANK OF AMERICA	Interest Rate 2.350		138.58				71,820.35
04/23/01	000105	PROVOST & UMPHREY ATTORNEY AT LAW P. O. BOX 4905	PAYMENT OF SPEC. COU. FEES & EXP. PER ORDER DATED 4-16-01.			2,455.93			69,364.42

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

Case No: 98-11484 BPI  
 Case Name: SMITH, LAWRENCE S.  
 Trustee Name: Stephen J. Zayler  
 Bank Name: BANK OF AMERICA  
 Taxpayer ID No: 75-6579662  
 For Period Ending: 05/23/01  
 Account Number: 3754223677 Money Market - Interest Bearing  
 Blanket Bond (per case limit): \$ 300,000.00  
 Separate Bond (if applicable):

1	2	3	4	5	6	7	8	9	10
Transaction Date	Check or Reference	Paid To / Received From	Description Of Transaction	Deposits (\$)	Interest (\$)	Checks (\$)	Adjustments (\$)	Transfers (\$)	Account Balance (\$)
04/30/01	11	BEAUMONT, TX 77704	Interest Rate 2.350		143.48				69,507.90
05/23/01	11	BANK OF AMERICA	INTEREST RECD FROM BANK		101.84				69,609.74
05/23/01		Transfer to acct #3754224029	Final Posting Transfer					-69,609.74	0

Account 3754223677			
Balance Forward	0.00	5 Checks	14,352.29
3 Deposits	83,220.46	0 Adjustments Out	0.00
12 Interest Postings	741.57	1 Transfers Out	69,609.74
Subtotal	\$ 83,962.03	Total	\$ 83,962.03
0 Adjustments In	0.00		
0 Transfers In	0.00		
Total	\$ 83,962.03		

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

Case No: 98-11484 BPI  
 Case Name: SMITH, LAWRENCE S.  
 SMITH, MARY D.  
 Taxpayer ID No: 75-6579662  
 For Period Ending: 05/23/01

Trustee Name: Stephen J. Zslyer  
 Bank Name: BANK OF AMERICA  
 Account Number: 3754224029 Checking - Non Interest

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

1	2	3	4	5	6	7	8	9	10
Transaction Date	Check or Reference	Paid To / Received From	Description Of Transaction	Deposits (\$)	Interest (\$)	Checks (\$)	Adjustments (\$)	Transfers (\$)	Account Balance (\$)
05/23/01	001001	Transfer from Acct #3754223677 LAWRENCE S. SMITH & MARY D. SMITH	BALANCE FORWARD Transfer In From MMA Account EXCESS FUNDS BACK TO DEBTOR (to be paid upon approval of IFR)			53,094.93		69,609.74	69,609.74
05/23/01									0.00
									16,514.81

Account 3754224029	
Balance Forward	0.00
0 Deposits	0.00
0 Interest Postings	0.00
Subtotal	\$ 0.00
0 Adjustments In	0.00
1 Transfers In	69,609.74
Total	\$ 69,609.74
1 Checks	53,094.93
0 Adjustments Out	0.00
0 Transfers Out	0.00
Total	\$ 53,094.93

Report Totals	
Balance Forward	0.00
3 Deposits	83,220.46
12 Interest Postings	741.57
Subtotal	\$ 83,962.03
0 Adjustments In	0.00
1 Transfers In	69,609.74
Total	\$ 153,571.77
6 Checks	67,447.22
0 Adjustments Out	0.00
1 Transfers Out	69,609.74
Total	\$ 137,056.96
Net Total Balance	\$ 16,514.81

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

SEP 11 2000  
00 SEP 11 PM 4:36  
CASE NO. 98-11484  
CHAPTER 7 COURT  
SECURITY

IN RE: §  
LAWRENCE S. SMITH §  
SSN 538-03-5902 §  
MARY B. SMITH §  
SSN 460-16-1501 §  
DEBTOR §

CASE NO. 98-11484  
CHAPTER 7 COURT

EOD SEP 11 00

ORDER APPROVING APPLICATION FOR COMPENSATION AND REIMBURSEMENT OF EXPENSES FOR SPECIAL COUNSEL FOR TRUSTEE AS AN ADMINISTRATIVE EXPENSES

CAME ON this day to be considered the Application for Compensation and Reimbursement of Expenses filed by STEPHEN J. ZAYLER, Trustee, on behalf of MARGARET DE LA ROSA of PROVOST ★ UMPHREY LAW FIRM, L.L.P., Special Counsel for the Bankruptcy Estate, and it appearing to the Court that the Application is well taken and should be granted pursuant to 11 U.S.C. Section 330, it is therefore:

ORDERED, ADJUDGED AND DECREED that the Trustee be authorized to pay to MARGARET DE LA ROSA of PROVOST ★ UMPHREY LAW FIRM, L.L.P., as an administrative expense, compensation for legal services rendered as Special Counsel for the Bankruptcy Estate, the sum of \$6,089.64, and reimbursement of expenses in the sum and amount of \$838.16 for a total of fees and expenses of \$6,927.80 and that the same be paid from the funds of this estate upon execution thereof.

DATED this 8<sup>th</sup> day of September 2000.

*Bruce Parker*  
UNITED STATES BANKRUPTCY JUDGE

APPLICATION FOR COMPENSATION AND REIMBURSEMENT OF EXPENSES PURSUANT TO 11 U.S.C. SECTION 330  
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IN THE UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION

IN RE:  
LAWRENCE S. SMITH  
SSN 538-03-5902  
MARY B. SMITH  
SSN 460-16-1501  
DEBTOR

§  
§  
§  
§  
§  
§

CASE NO. 98-11484  
CHAPTER 7

OCT 17 PM 1:00  
RECEIVED  
CLERK

EOD OCT 17 '00

ORDER APPROVING SECOND APPLICATION FOR COMPENSATION AND REIMBURSEMENT OF EXPENSES FOR SPECIAL COUNSEL FOR TRUSTEE AS AN ADMINISTRATIVE EXPENSES

CAME ON this day to be considered the Application for Compensation and Reimbursement of Expenses filed by STEPHEN J. ZAYLER, Trustee, on behalf of MARGARET DE LA ROSA of PROVOST ★ UMPHREY LAW FIRM, L.L.P., Special Counsel for the Bankruptcy Estate, and it appearing to the Court that the Application is well taken and should be granted pursuant to 11 U.S.C. Section 330, it is therefore

ORDERED, ADJUDGED AND DECREED that the Trustee be authorized to pay to MARGARET DE LA ROSA of PROVOST ★ UMPHREY LAW FIRM, L.L.P., as an administrative expense, compensation for legal services rendered as Special Counsel for the Bankruptcy Estate, the sum of \$4,060.00, and reimbursement of expenses in the sum and amount of \$908.56 for a total of fees and expenses of \$4,968.56 and that the same be paid from the funds of this estate upon execution thereof.

DATED this 16<sup>th</sup> day of October 2000.

*Bill Tucker*  
UNITED STATES BANKRUPTCY JUDGE

APPLICATION FOR COMPENSATION AND REIMBURSEMENT OF EXPENSES PURSUANT TO 11 U.S.C. SECTION 330

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

FILED  
US BANKRUPTCY COURT  
EASTERN DISTRICT OF TEXAS

APR 16 1 07 AM '01

IN RE:  
LAWRENCE S. SMITH  
SSN 538-03-5902  
MARY B. SMITH  
SSN 460-16-1501  
DEBTOR

§  
§  
§  
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§  
§

CASE NO. 98-11484 CLERK US BANKRUPTCY  
CHAPTER 7 BY DEPUTY

EOD

APR 16 2001

ORDER APPROVING AMENDED THIRD APPLICATION FOR COMPENSATION AND REIMBURSEMENT OF EXPENSES FOR SPECIAL COUNSEL FOR TRUSTEE AS AN ADMINISTRATIVE EXPENSES

CAME ON this day to be considered the Third Application for Compensation and Reimbursement of Expenses filed by STEPHEN J. ZAYLER, Trustee, on behalf of MARGARET DE LA ROSA of PROVOST \* UMPHREY LAW FIRM, L.L.P., Special Counsel for the Bankruptcy Estate, and it appearing to the Court that the Application is well taken and should be granted pursuant to 11 U.S.C. Section 330, it is therefore

ORDERED, ADJUDGED AND DECREED that the Trustee be authorized to pay to MARGARET DE LA ROSA of PROVOST \* UMPHREY LAW FIRM, L.L.P., as an administrative expense, compensation for legal services rendered as Special Counsel for the Bankruptcy Estate, the sum of \$816.80, and reimbursement of expenses in the sum and amount of \$1,639.13 for a total of fees and expenses of \$2,455.93 and that the same be paid from the funds of this estate upon execution thereof.

DATED this 16<sup>th</sup> day of April 2001.



UNITED STATES BANKRUPTCY JUDGE

THIRD APPLICATION FOR COMPENSATION AND REIMBURSEMENT OF EXPENSES PURSUANT TO 11 U.S.C. SECTION 330

42

**SCHEDULE B**

**APPLICATION FOR COMPENSATION**

**COMPUTATION OF COMMISSIONS**

Receipts	\$30,867.10	25% of First \$5,000	\$1,250.00
Less	-\$5,000	(\$1,250.00 Max)	
Balance	\$25,867.10	10% of Next \$45,000	\$2,586.71
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** **\$3,836.71\***

**\*TRUSTEE FEES DO NOT INCLUDE COMPUTATION ON FUNDS TO BE PAID TO DEBTOR**

**TRUSTEE EXPENSES:**

Premium on Trustee's Bond			\$0.00
Travel (59.00 mile at 0.35cents per mile)			\$20.65
Copies (1,060.00 page at 0.25 cents per copy)			\$266.50
Postage			\$67.27
Telephone Charges			\$15.00
Clerical/Secretarial (9.50 hrs. at 15.00 per hour)	SEE ATTACHED		\$142.50
Paralegal/Assistance (9.40 hrs. at 50.00 per hour)	SEE ATTACHED		\$470.00
Supplies/Stationary			\$2.60
Distribution Expenses			\$0.00
Miscellaneous Pacer Access			\$1.05

**TOTAL EXPENSES** **\$985.57**

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

            
**X**  
          

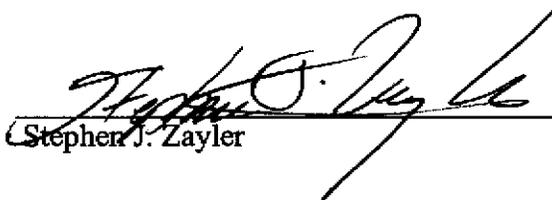
Notice given debtor on  
to pick up business or personal records  
in hands of Trustee.

THE STATE OF TEXAS )

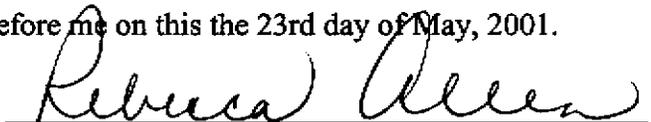
COUNTY OF ANGELINA )

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 LAWRENCE S. SMITH and MARY D. SMITH 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 and monitored the progress and ultimately settlement of the debtors interest in a personal injury lawsuit. I had numerous conversations with the personal injury attorney, subsequently retained as Special Counsel, the debtors and the debtors attorney regarding the settlement of the lawsuit. I filed all the necessary applications to enter into a Compromise Settlement Agreement of the personal injury lawsuit and to pay Special Counsel their fees and expenses. Further, I will pay all allowed claims in full plus interest with a total of excess funds being reimbursed from this debtor estate to the debtor of \$53,094.93, along with future settlement funds to be paid directly to debtor. 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 23rd day of May, 2001.

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



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ITEMIZATION OF SECRETARIAL AND CLERICAL TIME

August 24, 1998 - Setting up file;  
(RA - .10)

June 4, 1999 - Receipt of and calendar bar date;  
(RA - .10)

June 4, 1999 - Organize file;  
(RA - .20)

June 28, 2000 - Telephone conference with Bank of America opening new account with and load account information;  
(RA - .20)

June 28, 2000 - Preparation of receipt of check;  
(CP - .10)

June 28, 2000 - Prepare deposit and post;  
(RA - .20)

June 28, 2000 - Prepare SS-4 form for transmittal to IRS to obtain tax identification number;  
(RA - .20)

July 12, 2000 - Prepare W-9 for transmittal to Bank of America;  
(RA - .10)

July 14, 2000 - Reconcile bank statement;  
(RA - .10)

July 16, 2000 - Receive and review correspondence from IRS regarding tax identification number;  
(RA - .10)

August 9, 2000 - Copying, stapling and folding of Trustee's Motion to Approve Compromise Settlement Agreement and Summary of Trustee's Application for Compensation to Special Counsel, addressing and stamping of notices for mailing to creditors and interested parties;  
(CP - .90)

August 11, 2000 - Reconcile bank statement;  
(SB - .10)

August 30, 2000 - Preparation of receipt of funds;  
(CP - .10)

August 30, 2000 - Prepare deposit and post;  
(RA - .20)

August 30, 2000 - Organize file;  
(RA - .10)

September 13, 2000 - Copying, stapling and folding of Trustee's Second Motion to Approve Compromise Settlement Agreement and Summary of Trustee's Second Application for Compensation to Special Counsel, addressing and stamping of notices for mailing to

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creditors and interested parties;

(CP - .90)

September 14, 2000 - Reconcile bank statement;

(SB - .10)

September 26, 2000 - Prepare two (2) disbursement checks to Provost & Umphrey and post disbursement;

(RA - .30)

October 20, 2000 - Reconcile bank statement;

(SB - .10)

November 15, 2000 - Reconcile bank statement;

(SB - .10)

December 13, 2000 - Reconcile bank statement;

(SB - .10)

December 19, 2000 - Prepare two (2) disbursement checks to Provost & Umphrey and post disbursement;

(RA - .30)

January 16, 2001 - Reconcile bank statement;

(MR - .10)

January 24, 2001 - Prepare 1099's and 1096's for 2000 tax year for submittal to IRS;

(RA - .30)

February 13, 2001 - Preparation of receipt of funds;

(CP - .10)

February 13, 2001 - Prepare deposit and post;

(RA - .20)

February 14, 2001 - Reconcile bank statement;

(MR - .10)

February 14, 2001 - Organize file;

(RA - .20)

February 20, 2001 - Copying, stapling and folding of Trustee's Third Motion to Approve Compromise Settlement Agreement and Summary of Trustee's Third Application for Compensation to Special Counsel, addressing and stamping of notices for mailing to creditors and interested parties;

(CP - .90)

March 7, 2001 - Copying, stapling and folding of Amended Trustee's Third Motion to Approve Compromise Settlement Agreement and Amended Summary of Trustee's Application for Compensation to Special Counsel, addressing and stamping of notices for mailing to creditors and interested parties;

(CP - .90)

March 14, 2001 - Reconcile bank statement;

(MR - .10)

Itemization of Secretarial & Clerical Time - Page 2

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March 20, 2001 - Organize file;  
(RA - .20)

April 4, 2001 - Correspondence to Court requesting Clerk's Bill of Cost and docket sheet;  
(RA - .20)

April 9, 2001 - Receive and review Bill of Costs;  
(RA - .10)

April 12, 2001 - Reconcile bank statement;  
(MR - .10)

April 23, 2001 - Prepare disbursement check to Provost & Umphrey and post disbursement;  
(RA - .20)

May 3, 2001 - Organize file;  
(RA - .10)

May 3, 2001 - Copy all bank statements, deposit slips and canceled checks for delivery of originals to U. S. Trustee's office;  
(MR - .30)

May 16, 2001 - Correspondence to Court returning claims folder;  
(RA - .20)

May 16, 2001 - Transfer funds from MMA to checking account at Bank of America and post accrued interest;  
(RA - .20)

May 16, 2001 - Compile Trustee's Final Report for submission to U. S. Trustee;  
(RA - .30)

RECAP OF SECRETARIAL & CLERICAL TIME:

REBECCA ALLEN -	4.40 hrs. @ \$15.00/per hr. =	\$ 66.00
CARI PARRISH -	3.90 hrs. @ \$15.00/per hr. =	58.50
SANDY BELSCHNER -	.50 hrs. @ \$15.00/per hr. =	7.50
MILLIE REEVES -	.70 hrs. @ \$15.00/per hr. =	10.50
		<hr/>
TOTAL:	9.50 hrs. @ \$15.00/per hr. =	\$ 142.50

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ITEMIZATION OF PARALEGAL TIME

August 17, 1999 - Prepare Application to Employ Special Counsel, Provost & Umphrey, Affidavit of Disinterestedness and proposed Order;

(SC - .90)

October 14, 1999 - Load asset, lien information and exemption information into computer;

(RA - .40)

August 9, 2000 - Prepare Motion to Approve Compromise Settlement Agreement with some defendants in State Court lawsuit along with proposed Order;

(SC - 1.10)

August 9, 2000 - Prepare Application to Pay Special Counsel, Provost & Umphrey, along with proposed Order;

(SC - 1.20)

August 9, 2000 - Prepare Summary of Application to Pay Special Counsel, Provost & Umphrey, for service on all creditors;

(SC - .40)

September 13, 2000 - Prepare Second Motion to Approve Compromise Settlement Agreement with some defendants in State Court lawsuit along with proposed Order;

(SC - 1.10)

September 13, 2000 - Prepare Second Application to Pay Special Counsel, Provost & Umphrey, along with proposed Order;

(SC - 1.20)

September 13, 2000 - Prepare Summary of Second Application to Pay Special Counsel, Provost & Umphrey, for service on all creditors;

(SC - .40)

February 15, 2001 - Prepare Third Motion to Approve Compromise Settlement Agreement with some defendants in State Court lawsuit along with proposed Order;

(SC - 1.10)

February 15, 2001 - Prepare Third Application to Pay Special Counsel, Provost & Umphrey, along with proposed Order;

(SC - 1.20)

February 15, 2001 - Prepare Summary of Third Application to Pay Special Counsel, Provost & Umphrey, for service on all creditors;

(SC - .40)

RECAP OF PARALEGAL TIME:

REBECCA ALLEN (RA) - .40 hrs. @ \$50.00/per hr. =\$ 20.00

SHERRY CARNLEY (SC) - 9.00 hrs. @ \$50.00/per hr. = 450.00

TOTAL: 9.40 hrs. @ \$50.00/per hr. -\$ 470.00

RESUMES OF PARALEGAL ASSISTANTS TO THE TRUSTEE

Rebecca Allen

Employed by the Trustee September 1, 1990. Has 23 years bankruptcy and other legal experience and was formerly employed by another Chapter 7 Trustee.

Her duties performed for the Trustee include loading information into the case management system when files are received, preparation of Trustee's Report of No Distribution, preparation of various correspondence between Trustee and interested parties, answer telephone calls regarding routine questions, assisting with the location, collection and disposition of assets, assisting in the collection of sale proceeds and accounts receivable, answering questions from creditors, opening bank accounts, securing Tax ID Nos., preparing deposits and disbursement checks, posting deposits and disbursements into computer, reconciling bank statements, organizing files, preparation of objections to claims, preparation of various pleadings including applications and motions in contested matters, preparation of semi-annual reports, preparation of Trustee's Final Reports and Request for Compensation and preparation of Trustee's Supplemental Final Reports.

Sherry Carnley

Employed by the Trustee December 1, 1994. Has 18 years broad legal experience in all areas of law.

Her duties performed for the Trustee include organizing files, preparation of various pleadings including applications and motions in contested matters, principal assistant to the attorney for the Trustee in the preparation of adversary proceeding complaints, discovery, pre-trial and post-trial pleadings, preparing monthly reports in operating Chapter 7's, principally responsible for assisting with the location, collection, and disposition of assets, assisting in the collection of sale proceeds and accounts receivable, answering general questions from creditors, preparation of correspondence, preparation of objections to claims, preparation of various miscellaneous and other legal documents.

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	3,836.71	3,836.71	0.00	3,836.71
B. Trustee - Expense	985.57	985.57	0.00	985.57
C. SPECIAL ATTY EXPENSES	3,385.85	3,385.85	3,385.85	0.00
D. SPECIAL ATTY FEES	10,966.44	10,966.44	10,966.44	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
<b>BkMk6</b>				
<b>TOTALS:</b>	<b>\$19,174.57</b>	<b>\$19,174.57</b>	<b>\$14,352.29</b>	<b>\$4,822.28</b>

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

In Re:  
Lawrence S. Smith  
Mary B. Smith  
Debtor(s)

Case No: 98-11484  
Chapter: 7

FILED  
U.S. BANKRUPTCY COURT  
EASTERN DISTRICT OF TEXAS  
2001 APR -5 P 2:19  
CLERK, U.S. BANKRUPTCY COURT

**BILL OF COURT COSTS**

BY \_\_\_\_\_ DEPUTY

To: **Stephen J. Zayler**  
**PO Box 150743**  
**Lufkin, TX 75915-0743**

Notice is hereby given that court costs (and deferred adversary filing fees, if applicable) are due and owing, pursuant to 28 USC Section 1930, in the above case in the amount of \$0.00.

These costs are itemized as follows:

**NOTICES**

\$ .25 per notice in excess of 50 notices mailed prior to 1/1/87. **\$0.00**  
\$ .50 per notice for all notices mailed 1/1/87 between 1/1/98. **\$0.00**

**NOTE:** For Chapter 7 cases filed after 12/1/92, there will be NO NOTICE FEES.  
(Do Not Bill for \$.50 per notice)

**NOTE:** For all other chapters filed after 1/1/98, there will be NO NOTICE FEES. (Do Not Bill for \$.50 per notice)

**PROCESSING CLAIMS**

**NOTE:** Eliminated is the fee of \$.25 for clerical processing of each claim in excess of 10 in cases filed under the Act or Code.

**DEFERRED ADVERSARY FILING FEES**

0 Chapter 7 Adversary Proceeding filed @ \$120.00/150.00 each. **\$0.00**

**NOTE:** For all Adversary Proceedings filed after 12/18/96 the filing fee is \$150.00.

**TOTAL AMOUNT DUE \$0.00**

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

Date: 4/5/01

**JAMES D. TOKOPH**  
Clerk of Court

By:   
Deputy Clerk

**NOTE:** For Chapter 11 Cases Only: Court costs are due on or before the confirmation hearing. The Judge will confirm that these cases have been paid at the hearing.

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)	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:	10,260.50	10,260.50	0.00	10,260.50
SUBORDINATED UNSECURED CLAIMS TOTAL:	0.00	0.00	0.00	0.00

EXHIBIT A  
ANALYSIS OF CLAIMS REGISTER

Case Number: 98-11484  
Debtor Name: SMITH, LAWRENCE S.

Page 1  
Claim Class Sequence

Date: May 23, 2001

Code #	Creditor Name & Address	Claim Class	Notes	Scheduled	Claimed	Allowed
025 SAF	PROVOST & UMPHREY ATTORNEY AT LAW P. O. BOX 4905 BEAUMONT, TX 77704	Administrative	Per Order dated 9-8-00.	\$0.00	\$10,966.44	\$10,966.44
025 SAE	PROVOST & UMPHREY ATTORNEY AT LAW P. O. BOX 4905 BEAUMONT, TX 77704	Administrative	Per Order dated 9-8-00 and 4-16-01.	\$0.00	\$3,385.85	\$3,385.85
Subtotal for Class Administrative				\$0.00	\$14,352.29	\$14,352.29
1 070 UC	CITY OF BEAUMONT CASH MANAGEMENT DIVISION 801 MAIN STREET BEAUMONT, TX 77701	Unsecured		\$0.00	\$134.64	\$134.64
2 070 UC	SEARS ROEBUCK & CO. BOISE RCCOC P. O. BOX 29 BOISE, ID 83707	Unsecured		\$0.00	\$768.91	\$768.91
3 070 UC	MBNA AMERICA BANK, N.A. P. O. BOX 15725 MS 1423 WILMINGTON, DE 19885-15725	Unsecured		\$0.00	\$9,356.95	\$9,356.95
Subtotal for Class Unsecured				\$0.00	\$10,260.50	\$10,260.50
Case Totals:				\$0.00	\$24,612.79	\$24,612.79

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

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

IN RE: )  
SMITH, LAWRENCE S. ) CASE NO. 98-11484  
SMITH, MARY D. )  
DEBTOR(S) ) CHAPTER 7

TRUSTEE'S REPORT OF  
PROPOSED FINAL DISTRIBUTIONS

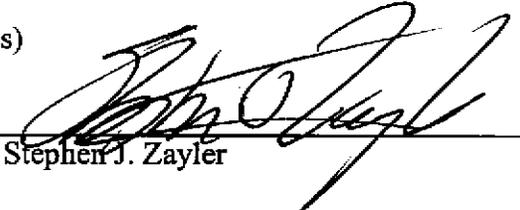
The undersigned trustee of the estate hereby submits to the Court and to the United States Trustee this Report of Proposed Final Distributions.

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	\$16,514.81
2. ADMINISTRATIVE EXPENSES TO BE PAID * (note)	\$4,822.28
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)	\$10,260.50
6. OTHER DISTRIBUTIONS TO BE PAID * (note) <b>Interest on Claims</b>	\$1,432.03
7. TOTAL DISTRIBUTIONS TO BE MADE (Sum of lines 2 through 6)	\$16,514.81
8. ZERO BALANCE AFTER ALL DISTRIBUTIONS (Line 1 less line 7)	\$0.00

\* (See attached schedule of payees and amounts)

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

# PROPOSED DISTRIBUTION

Case Number: 98-11484

Page 1

Date: May 23, 2001

Debtor Name: SMITH, LAWRENCE S. \ SMITH, MARY D.

Claim #	Payee Name	Class	Priority	Amount	Paid to Date	Claim Balance	Proposed Payment	Interest Paid To Date	Proposed Interest	Total Proposed Pymt	Funds Remaining
	Beginning Balance										
	Stephen J. Zayler - Fees COMPENSATION	Admin		\$3,836.71	\$0.00	\$3,836.71	\$3,836.71	\$0.00	\$0.00	\$3,836.71	\$16,514.81
	Stephen J. Zayler - Exp EXPENSES	Admin		\$985.57	\$0.00	\$985.57	\$985.57	\$0.00	\$0.00	\$985.57	\$11,692.53
	PROVOST & UMPHREY ATTORNEY AT LAW P. O. BOX 4905 BEAUMONT, TX 77704	Admin	025	\$10,966.44	\$12,605.57	\$-1,639.13	\$0.00	\$0.00	\$0.00	\$0.00	\$11,692.53
	PROVOST & UMPHREY ATTORNEY AT LAW P. O. BOX 4905 BEAUMONT, TX 77704	Admin	025	\$3,385.85	\$1,746.72	\$1,639.13	\$0.00	\$0.00	\$0.00	\$0.00	\$11,692.53
1	CITY OF BEAUMONT CASH MANAGEMENT DIVISION 801 MAIN STREET BEAUMONT, TX 77701	Unsec	070	\$134.64	\$0.00	\$134.64	\$134.64	\$0.00	\$18.79	\$153.43	\$11,539.10
2	SEARS ROEBUCK & CO. BOISE RCCOC P. O. BOX 29 BOISE, ID 83707	Unsec	070	\$768.91	\$0.00	\$768.91	\$768.91	\$0.00	\$107.31	\$876.22	\$10,662.88
3	MBNA AMERICA BANK, N.A. P. O. BOX 15725 MS 1423 WILMINGTON, DE 19885-15725	Unsec	070	\$9,356.95	\$0.00	\$9,356.95	\$9,356.95	\$0.00	\$1,305.93	\$10,662.88	\$0.00
<< Totals >>				\$29,435.07	\$14,352.29	\$15,082.78	\$15,082.78	\$0.00	\$1,432.03	\$16,514.81	\$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.

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

IN RE: LAWRENCE & MARY  
SMITH

/ BANKRUPTCY CASE: 98-11484  
/  
/ CHAPTER 7

**NOTICE OF FILING OF FINAL REPORT OF TRUSTEE.  
APPLICATION FOR COMPENSATION AND PROPOSED DISTRIBUTIONS**

NOTICE IS GIVEN that the Trustee's Final Report and Account, report of Proposed Final Distribution and Applications for Compensation have been filed. These documents are available for public inspection at the office of the Bankruptcy Clerk, 300 Willow, Suite 100, Beaumont, Texas 77701, or at the trustee's office whose name and address is as follows:

STEVE ZAYLER 123 E. LUFKIN PO BOX 150743 LUFKIN, TX 75915

The following Applications for Compensation have been filed:

<u>Applicants</u>	<u>Fees Requested</u>	<u>Expenses Requested</u>
<u>STEVE ZAYLER</u> Trustee	<u>3836.71</u>	<u>985.57</u>
<u>STEVE ZAYLER</u> Attorney for Trustee	<u>0.00</u>	<u>0.00</u>
<u>U. S. Bankruptcy Court</u>	<u>0.00</u>	<u></u>

The trustee's account shows:

<b>Total Receipts</b>	<b>Total Disbursements</b>	<b>Balance</b>
<u>\$ 83962.03</u>	<u>\$ 14352.29</u>	<u>\$ 69609.74</u>

In addition to the commissions and fees that may be allowed by the Court, liens and priority claims which must be paid in advance of general creditors have been allowed in the total amount of \$ 0.00; general unsecured claims have been allowed in the amount of \$ 10260.50.  
The debtor has/has not been discharged.

Written objections to the Final Report, Application for Compensation and/or proposed Distributions must be filed with the Clerk of the Court and served on the trustee at the above mentioned address within 30 days from the date of this notice. If no objections are filed, the Court may consider the Report and Applications without hearing. If objections are filed, a hearing will be held on \_\_\_\_\_

at \_\_\_\_\_

Date: \_\_\_\_\_

**JAMES D. TOKOPH**, Clerk of Court

By: \_\_\_\_\_  
Deputy Clerk

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

IN RE:	)	
SMITH, LAWRENCE S.	)	CASE NO. 98-11484
SMITH, MARY D.	)	
	)	CHAPTER 7
DEBTOR(S)	)	

**ORDER ALLOWING TRUSTEE'S FINAL APPLICATION FOR COMPENSATION  
AND APPROVING TRUSTEE'S FINAL REPORT AND PROPOSED DISTRIBUTION**

ON THIS DAY came on for consideration the Trustee's Final Report filed by Stephen J. Zayler, the duly appointed Chapter 7 Trustee. The Court finds that notice of this hearing has been given as required by the Bankruptcy Rules. Upon due consideration, the Court finds that cause exists which justifies the entry of the following order:

**IT IS THEREFORE ORDERED** that the Chapter 7 Trustee's final application for compensation in the amount of \$3,836.71 and for reimbursement of expenses in the amount \$985.57 is **Granted**.

**IT IS FURTHER ORDERED** that the Trustee's Final Report is approved as submitted by the Chapter 7 Trustee, including approval of the payment of the following fees and charges assessed against the Estate under Chapter 123 of title 28 of the United States Code.

<u>FEES/CHARGES</u>	<u>PROPOSED PAYMENT</u>
Clerk Noticing/Claim Fees	\$0.00
Unpaid Adversary Filing Fees	\$0.00
Unpaid Quarterly Fees	\$0.00

**IT IS FURTHER ORDERED** that the Chapter 7 Trustee shall refund excess funds in the amount of \$53,094.93 is **GRANTED**.

**IT IS FURTHER ORDERED** that the Chapter 7 Trustee shall make final distribution of the amounts set forth in the Trustee's Final Report as approved by this Court and shall file a Supplemental Final Report and Account together with such bank statements as are necessary to document a zero balance in all Estate accounts, following compliance with Section 347(a) of the Bankruptcy Code and Bankruptcy Rule 3011, if applicable.

SIGNED this the \_\_\_\_\_ day of \_\_\_\_\_, 2001.

\_\_\_\_\_  
BANKRUPTCY JUDGE