

SAMPLE

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF ALABAMA

IN RE:

CHAPTER 13

CASE No. _____

NAME [include **both** Debtors if jointly filed bankruptcy case],

Debtor(s).

PURSUANT TO M.D. ALA., LBR 9007-1, THIS FILING WILL BE TAKEN UNDER ADVISEMENT BY THE COURT AND MAY BE GRANTED/APPROVED UNLESS A PARTY IN INTEREST FILES A RESPONSE WITHIN TWENTY-ONE (21) DAYS OF THE DATE OF SERVICE. RESPONSES MUST BE SERVED UPON THE MOVING PARTY AND, IN THE MANNER DIRECTED BY M.D. ALA., LBR 5005-4, FILED WITH THE CLERK ELECTRONICALLY OR BY U.S. MAIL ADDRESSED AS FOLLOWS: CLERK, U.S. BANKRUPTCY COURT, ONE CHURCH STREET, MONTGOMERY, AL 36104.

**APPLICATION TO EMPLOY PROFESSIONAL PERSON
FOR A SPECIFIC PURPOSE**

COMES NOW, the undersigned counsel, and respectfully submits the instant application to employ professional persons pursuant to 11 U.S.C. § 327 and Rule 2014 of the Federal Rules of Bankruptcy Procedure and in support of said application states as follows:

The debtor(s) desires to retain _____ of the firm _____ in _____ [City], _____ County, _____ (State), for the specific purpose of recovering damages arising out of a cause of action filed by the debtor(s) against _____ . This cause of action is in the nature of a _____ that occurred on or about _____. This attorney was previously retained by the Debtor.

I, _____, am duly licensed to practice law in the State of _____.

I, _____, was initially employed by the debtor to represent him/her and am familiar with the facts and legal issues involved in the case.

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I, _____, do not represent or hold any interest adverse to the debtor or to the estate with respect to the matter on which such attorney is to be employed.

Attached and submitted hereto is an affidavit executed by _____ in support of this application pursuant to 11 U.S.C. § 327 and Rule 2014 of the Federal Rules of Bankruptcy Procedure. I, _____ [*name of attorney being retained*] have no connections with the debtor, creditors, any parties in interest, the Bankruptcy Administrator, or the Trustee, other than with the representation of the debtor and upon granting of this application, the estate, in the representation of the estate in this action.

The debtor has signed a contract with _____ [*name of attorney being retained*] for representation regarding the cause of action. The terms of the contract include _____, plus reimbursement of out-of-pocket expenses. No money has been paid to the attorney prior to the filing of this Application. I understand that I cannot share any compensation with attorneys other than members of my firm unless said professionals are also approved by this Court. I do not have any agreement to share compensation with other attorneys in this matter except: _____ [*name of referring or associated attorney(s)*]. The attorney understands he/she must make application to the Court for approval of his/her fees and expenses. However, if there is no recovery, _____ [*name of attorney being retained*] acknowledges that the bankruptcy estate of _____ [*debtor*] shall not be responsible for reimbursement of attorney's fees or for any out-of-pocket expenses.

WHEREFORE, the above premises considered, I move this Honorable Court to authorize the employment of _____ [*name of attorney being retained*] to represent the estate in the cause of action filed by the Debtor. Upon settlement or completion of the cause of action,

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_____ will apply to the Court for approval of fees and expenses pursuant to 11 U.S.C. §§ 326, 327, 328 and Rules 2014 and 2016 of the Federal Rules of Bankruptcy Procedure.

Respectfully submitted this _____ day of _____ 20____.

[Name of attorney being retained]

ADDRESS
PHONE AND FAX #'S
EMAIL

CERTIFICATE OF SERVICE

I hereby certify that on this date, a true and correct copy of the foregoing APPLICATION TO EMPLOY PROFESSIONAL PERSON was served as follows:

By CM/ECF:

(Name), Debtor(s) Bankruptcy Attorney
Email address

Sabrina L. McKinney, Standing Chapter 13 Trustee
13trustee@ch13mdal.com

Danielle K. Greco, Bankruptcy Administrator
ba@almba.uscourts.gov

by First Class Mail, postage prepaid:

Name of Debtor(s)
Address

Other:

Dated: _____

/s/ _____
[Name of attorney being retained]
Address
Phone
Email

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UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF ALABAMA

IN RE:

CHAPTER 13

CASE No. _____

NAME [include both Debtors if jointly filed bankruptcy case],

Debtor(s).

STATE OF _____

COUNTY OF _____

**AFFIDAVIT IN SUPPORT OF APPLICATION FOR EMPLOYMENT OF
PROFESSIONAL PERSON FOR A SPECIFIC PURPOSE**

Before me the undersigned authority, a notary public, in and for said state and county, personally appeared _____ [*name of attorney being retained*], who, being duly sworn by me, deposes and says under oath as follows:

My name is _____ [*name of attorney being retained*]. I am presently affiliated with _____ [*name of law firm*] whose office is located at _____ [*provide street address, City, County, and State*].

I am an attorney duly admitted to the practice of law in the State of _____. I was engaged by the debtor to represent her/him regarding a cause of action against _____ [*name of defendants*] on _____

[*date*]. The terms of my representation with the debtor are for compensation on a _____ [*state terms of contract*]

plus reimbursement of out-of-pocket expenses. However, if there is no recovery, the undersigned acknowledges the bankruptcy estate of _____ [*name of debtor*] shall not be responsible for payment of any attorney's fees or for the reimbursement of any out-of-

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pocket expenses. To date, I have not received any compensation from the debtor or any other entity in connection with my representation. I understand that I cannot share any compensation with attorneys other than members of my firm unless said professionals are also approved by this Court. I do not have any agreement to share compensation with other attorneys in this matter except: _____ *[name of referring or associated attorney(s)]*.

I do not represent or hold any interest adverse to the debtor or the estate with respect to the matter upon which I am seeking to be employed.

I have no connection with the Trustee, creditors, Bankruptcy Administrator, or any other parties in interest, the debtor, or their respective attorneys, other than with the representation of the debtor in the lawsuit for which I am applying for my employment as a professional person for this specific purpose.

The facts as stated herein are true and correct in all cases where I have personal knowledge and other remaining facts and opinions are true and correct according to the best of my knowledge, information, and belief. I understand that upon completion of this case, by settlement or otherwise, I must file a separate application for the approval of any settlements recovered on behalf of the debtor and/or the estate pursuant to M.D. Ala., LBR 9007-1. I also understand that I must file a separate application for the approval of my fees and expenses pursuant to 11 U.S.C. §§ 326, 327, 328 and Rules 2014 and 2016 of the Federal Rules of Bankruptcy Procedure.

[Name of attorney being retained]

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STATE OF _____

COUNTY OF _____

Sworn to and submitted before me on this the _____ day of _____.

(Seal)

Notary Public

My Commission expires: _____