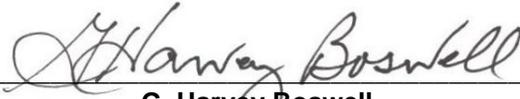


Not intended for publication



Dated: January 28, 2004
The following is SO ORDERED.


G. Harvey Boswell
UNITED STATES BANKRUPTCY JUDGE

United States Bankruptcy Court
Western District of Tennessee
Eastern Division

In re

Janet Williams,

Case no. 00-14911

Debtors.

Chapter 11

Memorandum Opinion and Order re
(1) Application for Attorney's Fees and Compensation filed by R. Bradley Sigler
and (2) Objection thereto filed by the U.S. Trustee

The Court conducted a hearing on R. Bradley Sigler's application for attorney's fees and the United States Trustee's objection thereto on December 31, 2003. FED. R. BANKR. P. 9014. Pursuant to 28 U.S.C. § 157(b)(2)(A), this is a core proceeding. The Court has reviewed the testimony from the hearing and the record as a whole. This Memorandum Opinion and Order shall serve as the Court's findings of facts and conclusions of law. FED. R. BANKR. P. 7052.

I. Findings of Fact and Conclusions of Law

R. Bradley Sigler ("Sigler") was employed as the attorney for the chapter 11 trustee Marianna Williams ("M. Williams") on March 26, 2002. M. Williams hired Sigler to (1) correct title problems on a portion of the debtor's property and (2) represent her as plaintiff in a Madison County General Sessions action against tenants on said property who were not paying rent.

Prior to Sigler's employment, King Bradley had contracted with M. Williams for the purchase of some of the debtor's property. At the time of the sale and at the time of Sigler's employment as attorney for the trustee, King Bradley was one of Sigler's clients. In January 2003, the debtor filed a motion to set aside the sale of her

land to King Bradley. Due to the nature of the debtor's actions, Sigler stopped representing M. Williams on general matters and began representing King Bradley at that time.

On October 30, 2003, Sigler filed an application for attorneys' fees and compensation he allegedly earned while serving as the attorney for M. Williams. The application filed with the court sought fees and expenses in the amount of \$5,670.00. At the hearing in this matter, Sigler orally amended this amount to \$5,830.00 to include time not covered in his original application. Sigler also stated that there were a few matters which were not included in his application or his amendment

The United States Trustee filed an objection to Sigler's application on November 17, 2003. In their objection and at the hearing in this matter, the U.S. Trustee objected to the following entries on Sigler's application:

1.	1/31/03	1.00 hour	\$150.00
2.	2/7/03	.20 hour	\$30.00
3.	3/28/03	.20 hour	\$30.00
4.	4/2/03	3.10 hours	\$465.00
5.	4/7/03	.70 hour	\$100.00
6.	6/6/03	.60 hour	\$90.00
7.	7/31/03	1.50 hour	<u>\$225.00</u>
		Total:	\$1,090.00

The U.S. Trustee alleges that Sigler was not representing M. Williams during these times, but was instead representing King Bradley, and can therefore not be compensated by the estate for those particular entries. M. Williams agreed with this allegation and stated that she did not believe Sigler was representing her during the pendency of the debtor's motion to set aside the sale.

After considering the statements of counsel given at the hearing in this matter, the Court finds that the U.S. Trustee's objection to Sigler's application should be sustained. According to both the U.S. Trustee's representative and M. Williams, Sigler was representing King Bradley on 1/31/03, 2/7/03, 3/28/03, 4/2/04, 4/7/03 (.70 hour), 6/6/03 and 7/31/03. The \$1,090.00 Sigler included in his application for this time is not allowable; however, it is undisputed that Sigler spent additional time in his capacity as the attorney for the trustee which he did not include in either his written application or oral amendment. Because of this, the Court will grant Sigler an additional thirty days to file a second application for fees and compensation for any time omitted from his [October 30, 2003, application](#). _____

II. Order

It is therefore **ORDERED** that the United States Trustee's Objection to R. Bradley Sigler's Application for Attorney's Fees and Compensation is **SUSTAINED**. R. Bradley Sigler's Application for Attorney's Fees and Compensation shall be **GRANTED** in the amount of \$4,815.00.

It is **FURTHER ORDERED** that R. Bradley Sigler shall have thirty days to file an additional application for any attorney's fees and compensation not previously included in his October 30, 2003, application.

IT IS SO ORDERED.

Mailing Information:

Debtor
R. Bradley Sigler, attorney
Marianna Williams, case trustee
United States Trustee