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ISBN 1381

U.S. COURTS  
04 MAY 12 AM 11:34  
REC'D. FILED  
CAMERON S. BURKE.  
CLERK. IDAHO

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF IDAHO**

In re ) Case # 00-42215 JDP  
)  
John & Barbara Nichols ) **EX-PARTE APPLICATION TO APPROVE**  
) **ATTORNEY FEES AND COSTS**  
)  
Debtor. )  
\_\_\_\_\_)

**APPLICATION IS HEREBY MADE BY WILLIAM H. MULBERRY**, counsel for the Debtor for approval and authorization to be paid and accept Attorney Fees and Costs as noted herein as required to represent Debtor's interest in an Adversary Proceeding (04-6075) commenced by Keith & Silvia McCabe against Debtor's seeking to deny Debtor's a Discharge in their Chapter 13 proceeding. Debtors have completed all their Plan Payments. Keith & Silvia McCabe are appearing pro se.

Debtor's were served with a copy of a Summons and Letter Complaint via mail on or about May 8, 2004.

The undersigned represents his hourly rate at \$150.00 per hour and the minimum anticipated fees/costs (in tenths of an hour) through a Motion to Dismiss will be as follows:

Review Summons, Letter Complaint, State Court Findings of Fact and Conclusions of Law and Judgment	.5	\$75.00
Review File	.2	\$30.00

**EX-PARTE APPLICATION TO APPROVE  
ATTORNEY FEES AND COSTS**

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Consultation with Debtor	.5	\$75.00
Prepare Ex-Parte Application to Approve Attorney Fees and Costs and Proposed Order	.5	\$75.00
Prepare Answer to Letter Complaint	.3	\$45.00
Prepare Motion to Dismiss	1.0	\$150.00
Hearing on Motion to Dismiss	1.0	\$150.00
TOTAL	4.0	\$600.00

Pursuant to Rule 2002(a)(6) of the Federal Rules of Bankruptcy Procedure, Application for Compensation of less than \$1,000.00 does not require notice or hearing and is therefore submitted to the Court Ex-Parte. Time is of the essence because the thirty-day window in which to respond to the adversary complaint has commenced.

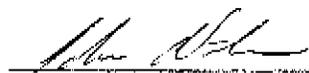
**THEREFORE** the undersigned hereby requests the Court approve the requested fees/costs prior to Counsel providing the legal services necessary for the Debtor's to respond to the Adversary Complaint filed against them.

Dated this 10<sup>th</sup> day of May 2004.

WM H. MULBERRY

PETER J. MONTOS JR.

READ, AGREED AND APPROVED:

  
 \_\_\_\_\_  
 John E. Nichols  
 Dated: 5-10-04

  
 \_\_\_\_\_  
 Barbara Nichols  
 Dated: May 10, 2004

**CERTIFICATE OF MAILING**

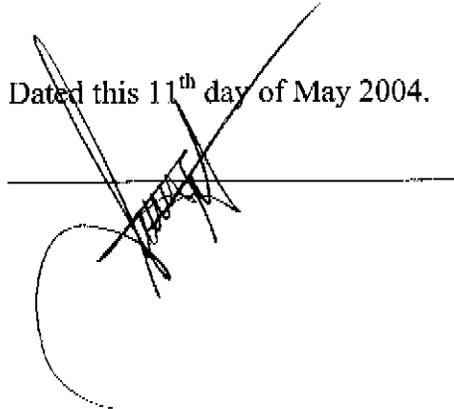
The Within Document was mailed, postage prepaid, on the dated noted below to the following:

L.D. Fitzgerald, Trustee  
845 W. Center, Ste D  
Pocatello, ID 83204

United States Trustec  
304 N. 8<sup>th</sup> St. Rm 347  
Boise, Idaho 83702

John & Barbara Nichols  
611 S. Skyline Dr., Apt. 13  
Idaho Falls, ID 83402

Dated this 11<sup>th</sup> day of May 2004.

A handwritten signature in black ink is written over a horizontal line. The signature is somewhat stylized and appears to be a name, possibly "L.D. Fitzgerald".