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Attorneys for Trustee, Bernie R. Rakozy

UNITED STATES BANKRUPTCY COURT
DISTRICT OF IDAHO

In Re:

SAWTOOTH ENTERPRISES, INC. dba
DBA BUCKIN' BAGEL, THE

Debtors.

Case No. 96-03050

**APPLICATION FOR FINAL
 COMPENSATION FOR
 ATTORNEY OF TRUSTEE**

Pursuant to Rule 2016 and § 330(a) of the Bankruptcy Code, the law firm of Evans, Keane LLP, as attorney for Trustee, by and through its partner, Jed W. Manwaring, moves this Court for approval of compensation and reimbursement for fees and costs in the total amount of \$6,600.55.

Evans, Keane LLP, respectfully represents as follows:

I. INFORMATION ABOUT THE APPLICANT AND APPLICATION.	
The following information must be provided on all applicants for compensation and reimbursement of expenses:	
1. Date the bankruptcy petition was filed.	November 27, 1996
Date the application requesting approval of employment was filed.	May 8, 1997
Date the order approving employment of applicant was signed.	May 30, 1997
Identity of the party represented in this case.	Trustee, Bernie R. Rakozy

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Date services were first commenced.	May 13, 1997
If applicant seeking compensation under a provision of the Bankruptcy Code other than Section 330, state which section.	
2. Terms and conditions of employment and compensation.	Hourly rates plus costs subject to court approval.
Source of compensation.	
Identify the existence and terms controlling the use of any retainer received from any party for providing services in this case.	
Identify any budgetary or other limitations on fees.	
3. Names and hourly rates of applicant's professionals and paraprofessionals who are requesting compensation.	Jed W. Manwaring, atty -\$125/hr Monica Moen, associate - \$95/hr Shannon M. Crawford, paralegal - \$45/hr
Explanation of any changes in hourly rates.	
Is the requested compensation based on the customary compensation charged by comparably skilled practitioners in cases other than cases under Title 11?	Yes
4. Application is for interim or final compensation.	Final
Dates of previous orders concerning interim compensation or expenses for this applicant.	September 24, 1999
Amount of compensation previously requested.	\$17,814.12
Amount of compensation previously allowed by the Court.	\$17,814.12
Amount of compensation and expenses paid to date.	\$10,000.00
Amount of allowed compensation and expenses remaining unpaid to date	\$7,814.12
5. Has the person on whose behalf the applicant is employed been given an opportunity to review the pending application.	Yes

	Has the person employing the applicant approved the requested amount.	Trustee to review.
6.	If the application filed less than 120 days after the order of relief or after a prior application was filed with the Court please state the date and terms of the order allowing the shortened period.	N/A
7.	State time period of the services or expenses covered by the application.	8/1/99 to Present
II. CASE STATUS.		
The following information should be provided to the extent that it is known or can reasonably be ascertained by the applicant.		
1.	If a Chapter 7 case, then	
	All funds received by the trustee to date.	\$71,080.59
	All funds disbursed by the trustee to date.	\$10,000.00
	Date a final accounting is expected to be filed by the trustee.	Unknown.
	If the application is seeking an interim award, are there any other administrative expenses of equal or higher rank which are or will be prejudiced by payment of this claim.	No.
2.	If a Chapter 11 case, then	
	Has a plan and disclosure statement been filed?	Not Applicable.
	If your answer to 2a is no, then state date when disclosure statement and plan is expected to be filed.	Not Applicable.
	Have all of the monthly operating reports been filed?	Not Applicable.
	Have all Chapter 11 Quarterly Fees been paid current to the United States Trustee?	Not Applicable.
3.	<u>For All Chapters:</u>	
	List the total amount of cash on hand or on deposit which belongs to the estate.	\$61,080.59
	List the amount and nature of accrued unpaid ad-	None other than the Trustee's fees

ministrative expenses.	and expenses which are unknown to attorneys.
State the amount of unencumbered funds in the estate.	\$61,080.59
<p>III. PROJECT SUMMARY.</p> <p>All time and service entries should be arranged by project categories. Separate project categories should be used for administrative matters and fee application preparation.</p> <p>a. Description of the project, its necessity and benefit to the estate and the status of the project including all pending litigation for which compensation and reimbursement are requested.</p> <p>b. Identification of each person providing billable services on the project.</p> <p>c. A statement of the number of hours spent and the amount of compensation requested for each professional and paraprofessional for each project; and</p> <p>d. Itemized time and service entries, as appropriate.</p>	<p>LIST OF PROJECTS CATEGORIES.</p> <p>1. Fee/Employment Applications</p> <p>2. Asset Analysis, Recovery, and Disposition</p> <p>3. Claims Administration, Objections, and Stay Proceedings.</p> <p>4. Litigation</p>

PROJECT NO 1: FEE\EMPLOYMENT APPLICATIONS

a. Description \ Necessity \ Benefit:

The Attorneys for the Trustee prepared Fee/Employment Applications necessary to be approved by the court and to obtain compensation. The estate benefited by having full disclosure, review and opportunity for objection, if any. The services below are for both the interim application and this final application.

b.c.d. Identification of persons, hours, compensation requested and itemization:

DATE	PER-SON	DESCRIPTION	HOURS	COMPENSA-TION
8/10/99	JWM	P1, edit Application for Compensation and insert project summaries.	.50	\$62.50
8/11/99	SMC	P1, calculate fees and expenses for Application for Compensation for Attorneys of Trustees.	.80	\$36.00
8/12/99	SMC	P1, finalize Application for Compensation for Attorney of Trustee, get hearing date, prepare	4.50	\$202.50

		Notice of Hearing and card, obtain master mailing list, check for duplicates, prepare for mailing.		
9/14/99	JWM	P1, attend hearing on Application for Compensation and draft proposed order.	.50	\$62.50
8/2/00	SMC	P1, draft Application for Final Compensation for Attorney of Trustee; draft Notice of Hearing and mailing cards.	2.50	\$112.50
	JWM	P1, edit and revise Application for Final Compensation.	1.5	\$187.50
	SMC	P1, finalize Application for Final Compensation and obtain hearing date.	1.0	\$45.00
		TOTAL	11.30	\$708.50

TOTAL FEES-PROJECT 1

TOTALS	Jed W. Manwaring – Attorney	2.50	\$312.50
	Shannon M. Crawford – Paralegal	8.80	\$396.00

TOTAL COSTS - PROJECT 1

Disbursements and Expenses	
Photocopies	\$20.10
Postage and mailing expense	\$42.17
TOTAL COSTS AND DISBURSEMENTS - PROJECT 1	\$62.27

PROJECT NO 2: ASSET ANALYSIS, RECOVERY, AND DISPOSITION

N/A

PROJECT NO. 3 CLAIMS ADMINISTRATION, OBJECTIONS, AND STAY PROCEEDINGS.

N/A

PROJECT NO 4: LITIGATION: *Rakozy v. American Forms, et al.*, Adversary No. 98-6330

a. Description \ Necessity \ Benefit:

The Trustee's attorneys continued to pursue the preference complaint in the litigation styled *Rakozy v. American Forms, et al.* The Trustee's attorneys have prepared and served written discovery, received and answered written discovery, negotiated, pursued a motion for summary judgment, and obtained settlements or recoveries of 11 defendants totaling over \$70,000. The attorneys negotiated or obtained approved compromises or collections from the defendants. All defendants have either been dismissed, settled or collected from.

The attorney services were necessary to obtain the preference recoveries. The estate has benefited to date by the recovery of \$71,000.00.

b.c.d. Identification of persons, hours, compensation requested and itemization:

DATE	PERSON	DESCRIPTION	HOURS	COMPENSATION
8/3/99	JWM	P4, receive and review correspondence from McDonagh re: response to requests for production and new copy of document.	.20	\$25.00
8/10/99	MM	P4, confer with JWM regarding Black Bear Summary Judgment and Summary Judgment Motion against all defendants.	.20	\$19.00
8/11/99	MM	P4, draft Notice and Motion for Summary Judgment (.80); work on draft of Memorandum in Support of Motion for Summary Judgment (1.50).	2.30	\$218.50
8/16/99	SMC	P4, draft Notice of Garnishment and accompanying supporting documents re: Westco, finalize and forward to Ada County Sheriff.	1.60	\$72.00
8/27/99	JWM	P4, telephone call from Westco Products, Inc. re: negotiations on payoff of Judgment.	.40	\$50.00
8/30/99	JWM	P4, receipt and review check payment on Westco Default Judgment and transmit to Rakozy (.40); edit and final Satisfaction of Judgment and draft correspondence to Sheriff, Pastry Perfection, and Westco re: cease on garnishment (.70).	1.10	\$137.50
8/30/99	MM	P4, draft Memorandum in Support of Motion for Summary Judgment and Fourth Affidavit of Bernie Rakozy.	4.00	\$380.00
8/30/99	SMC	P4, draft Satisfaction of Judgment re: Westco, final same and file with court; fax letter to Ada	1.30	\$58.50

DATE	PERSON	DESCRIPTION	HOURS	COMPENSATION
		County Sheriff's Office ordering cancellation of the Notice of Garnishment to Pastry Perfection copying Pastry Perfection and Westco.		
8/31/99	JWM	P4, edit and revise Motion for Summary Judgment, Affidavit in Support and Memo in Support.	1.40	\$175.00
9/1/99	SMC	P4, revise table re: vendor payments.	1.0	\$45.00
9/1/99	MM	P4, finalize all documents regarding Motion for Summary Judgment against all remaining defendants.	2.20	\$209.00
9/2/99	JWM	P4, edit Motion for Summary Judgment; Affidavits in Support, and Memo in Support (1.70); review discovery, correspondence, and Defendants' documents to prepare attachments to affidavits (1.50); edit and final Motion to Dismiss three defendants (.50).	3.70	\$462.50
9/2/99	SMC	P4, begin revisions to vendor table and search for checks to determine when checks cleared with the bank and make photocopies of same.	2.40	\$108.00
9/3/99	JWM	P4, edit, final, and file summary judgment pleadings.	1.80	\$225.00
9/3/99	SMC	P4, final vendor table for exhibit to Bernie Rakozy's Affidavit in Support of Motion for Summary Judgment.	1.50	\$67.50
9/13/99	MM	P4, research and analyze issue of assumption of lease and 11 USC 547(b).	1.0	\$95.00
9/14/99	JWM	P4, telephone call from Diddle re: negotiations and offer; transmit to Diddle discovery and bank documents.	.80	\$100.00
9/15/99	JWM	P4, receipt and review Return of Service on garnishment.	.10	\$12.50
9/15/99	JWM	P4, telephone conference with Wishney re: negotiations.	.20	\$25.00
9/16/99	MM	P4, confer with JWM regarding Sonna Building claim.	.20	\$19.00
9/17/99	JWM	P4, confer with Rakozy on Mead settlement offer; edit and final acceptance of offer of \$14.6K.	.30	\$37.50
9/20/99	JWM	P4, start draft Motion for Approval of Compromise re: Mead for paralegal.	.40	\$50.00
9/20/99	SMC	P4, draft Motion for Approval of Compromise re: Mead; telephone call to bankruptcy court for hearing date; prepare Notice of Hearing and	3.10	\$139.50

DATE	PERSON	DESCRIPTION	HOURS	COMPENSATION
		mailing cards; obtain master mailing list, check for duplicates and prepare for mailing.		
9/21/99	JWM	P4, edit and final Motion for Approval of Compromise re: Mead, Notice of Hearing and Cert of Service, exhibit table (.60); telephone call from Diddle re: settlement (.10).	.70	\$87.50
9/21/99	MM	P4, work on Opposition to Summary Judgment Motion.	1.30	\$123.50
9/22/99	JWM	P4, review 9 th Circuit case and instruct MM on response strategy.	.30	\$37.50
9/22/99	MM	P4, continue work on memorandum opposing summary judgment.	1.50	\$142.50
9/23/99	MM	P4, continue research and analysis of lease assumption matter.	1.80	\$171.00
9/27/99	MM	P4, work on Memo Opposing Summary Judgment.	1.50	\$142.50
9/28/99	MM	P4, complete draft of brief opposing Motion for Summary Judgment.	3.00	\$285.00
9/30/99	JWM	P4, prepare for SJ hearing, reread caselaw (1.20); redraft Order Dismissing prior Defendants (.20); meet defendant attorney McDonagh and negotiate (.20); attend hearing on SJ issues (1.20); telephone call from Buckin Bagel in Ketchum re: objection to name on notices (.20).	3.00	\$375.00
10/1/99	JWM	P4, research Chapter 7 Trustee's right to reject lease after conversion (2.10); draft Motion to Allow Post-hearing Points and Authorities and call to clerk (1.50).	3.60	\$450.00
10/1/99	MM	P4, confer with JWM regarding LCO case and effect on debtor assumption of lease agreement.	.30	\$28.50
10/5/99	JWM	P4, telephone call from Wishney re: no settlement (.20); confer with Rakozzy on post-hearing authorities (.20).	.40	\$50.00
10/13/99	JWM	P4, receipt and review Post-hearing Memorandum from Wishney.	.30	\$37.50
10/25/99	JWM	P4, receipt and review reply of Black Bear to Post-hearing authorities.	.10	\$12.50
10/26/99	JWM	P4, draft proposed Order Approving Compromise (.30); attend hearing on Motion for Approval of Compromise re: Mead (.60).	.90	\$112.50
10/27/99	JWM	P4, draft Amended Notice of Hearing against Express Building and WH Moore.	.20	\$25.00

DATE	PERSON	DESCRIPTION	HOURS	COMPENSATION
11/9/99	JWM	P4, prepare for and attend hearing on Motion for SJ against Express Building and WH Moore – granted (1.0); draft judgments on motion and submit to court (.50).	1.50	\$187.50
11/18/99	JWM	P4, telephone call from Moores re: negotiations to pay judgment.	.20	\$25.00
11/23/99	SMC	P4, draft Satisfaction of Judgment re: Moores and final same for recording in Ada County.	.30	\$13.50
11/29/99	SMC	P4, obtain certified copy of Judgment against Express Bldg. And record in Ada County.	.20	\$9.00
12/1/99	JWM	P4, receipt and review court's memorandum decision re: Motions for Summary Judgment.	.30	\$37.50
12/4/99	JWM	P4, receive and review correspondence from Cameron to Judge with proposed Order and Judgment.	.20	\$25.00
12/7/99	JWM	P4, telephone call from Merrick re: payment of Express Building over 90 days.	.10	\$12.50
12/8/99	JWM	P4, receipt and review Judgment from court and draft correspondence to Rakozy re: appeal issues and status; telephone conference with client re: no appeal.	.60	\$75.00
12/10/99	JWM	P4, draft correspondence to Merrick re: payment of Express Building Judgment.	.20	\$25.00
12/17/99	JWM	P4, draft correspondence to Rakozy re: confirm no appeal.	.30	\$37.50
2/2/00	JWM	P4, confer with Rakozy on status of case.	.10	\$12.50
2/14/00	JWM	P4, receive and review correspondence from Merrick re: final payment and request for Satisfaction of Judgment; instruct SMC on same.	.30	\$37.50
2/16/00	SMC	P4, draft Satisfaction of Judgment re: Express Building LLC	.40	\$18.00
		TOTAL	54.80	\$5,327.00

TOTAL FEES-PROJECT 4

TOTALS	Jed W. Manwaring – Attorney	23.70	\$2,962.50
	Monica Moen – Associate	19.30	\$1,833.50
	Shannon M. Crawford – Paralegal	11.80	\$531.00

TOTAL COSTS - PROJECT 4

Disbursements and Expenses	
Photocopies	\$229.20
Postage and mailing expenses	\$61.28
Telephone – long distance	\$1.11
Facsimile – long distance	\$.11
Computer Assisted Legal Research	\$156.31
U.S. Bankruptcy court – certified copies	\$10.00
Ada County Recorder – recording fees	\$24.00
Ada County Sheriff – service of Writ	\$20.77
TOTAL COSTS AND DISBURSEMENTS - PROJECT 4	\$502.78

IV. SUMMARY SHEET

Fees previously requested:	\$16,911.50
Fees previously awarded:	\$16,911.50
Expenses previously requested:	\$902.62
Expenses previously awarded:	\$902.62
Total retainer paid:	\$-0-
Current retainer balance:	\$-0-

CURRENT APPLICATION

Fees requested:	\$6,035.50
Expenses requested:	\$565.05
Total Requested:	\$6,600.55

BILLING INFORMATION				
NAMES OF PROFESSIONALS	YEARS OF ADMISSION	HOURS BILLED	BILLING RATE	TOTAL FOR APPLICATION
<u>PARTNERS</u>				
Jed W. Manwaring	1983	26.20	\$125.00	\$3,275.00
Monica Moen	1998	19.30	\$95.00	\$1,833.50
<u>PARAPROFESSIONALS</u>				
Shannon M. Crawford		20.60	\$45.00	\$927.00
TOTAL BLENDED HOURLY RATE		\$110/hr		
(Excluding paralegals and other paraprofessionals)				

Dated this 19 day of August, 2000.

EVANS, KEANE LLP

By Jed W. Manwaring
 Jed W. Manwaring, Of the Firm
 Attorneys for Trustee

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10 day of August, 2000, a true and correct copy of the foregoing document was served by first-class mail, postage prepaid, and addressed to; by fax transmission to; by overnight delivery to; or by personally delivering to or leaving with a person in charge of the office as indicated below:

Joseph M. Meier
815 W. Washington
Boise, ID 83702

U.S. Mail
 FAX
 Overnight Delivery
 Hand Delivery

Sawtooth Enterprises, Inc.
The Buckin' Bagel
3559 Wright Street
Boise, Idaho 83705

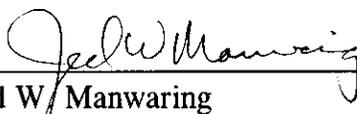
U.S. Mail
 FAX
 Overnight Delivery
 Hand Delivery

Bernie R. Rakozy, Trustee
P. O. Box 1738
Boise, ID 83701

U.S. Mail
 FAX
 Overnight Delivery
 Hand Delivery

U.S. Trustee
P. O. Box 110
Boise, ID 83701

U.S. Mail
 FAX
 Overnight Delivery
 Hand Delivery



Jed W. Manwaring