

Kimbell D. Gourley  
 EBERLE, BERLIN, KADING, TURNBOW  
 & McKLVEEN, CHARTERED  
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 ISB No. 3578

U.S. BANKRUPTCY COURT  
 DISTRICT OF IDAHO  
 OCT 10 2010 10:35  
 CLERK OF COURT  
 BOISE, IDAHO

Attorneys for Richard Crawford, Trustee

IN THE UNITED STATES BANKRUPTCY COURT  
 FOR THE DISTRICT OF IDAHO

In the matter of:	)	
	)	Case No. 99-01804
GARY NED GREGERSON,	)	
and LISA LYNN GREGERSON,	)	<b>APPLICATION FOR COMPENSATION</b>
	)	<b>FOR TRUSTEE'S ATTORNEY</b>
Debtors.	)	
	)	
_____	)	

Pursuant to Federal Rule of Bankruptcy Procedure 2016 and § 330(a) of the United States Bankruptcy Code, the law firm of Eberle, Berlin, Kading, Turnbow & McKlveen, Chtd., as attorney for Trustee, Richard Crawford, by and through its partner, Kimbell D. Gourley, moves this Court for approval of compensation and reimbursement for fees and costs in the total amount of \$2,474.86. Eberle, Berlin, Kading, Turnbow & McKlveen, Chtd. 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.		July 15, 1999
Date the application requesting approval of employment was filed.		August 27, 1999
Date the order approving employment of applicant was signed.		September 17, 1999
Identity of the party represented in this case.		<i>Trustee</i>
Date services were first commenced.		August 13, 1999
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.		Kimbell D. Gourley, atty -\$125/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.	None
	Amount of compensation previously requested.	None
	Amount of compensation previously allowed by the Court.	None
	Amount of compensation and expenses paid to date.	None
	Amount of allowed compensation remaining unpaid to date	None
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.	August 13, 1999 to August 16, 2000
<b>II. <u>CASE STATUS.</u></b> 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.	\$52,530.66
	All funds disbursed by the trustee to date.	\$0.00
	Date a final accounting is expected to be filed by the trustee.	Within 60 days

<p>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.</p>	<p>No</p>
<p>2. If a Chapter 11 case, then</p>	
<p>Has a plan and disclosure statement been filed?</p>	
<p>If your answer to 2a is no, then state date when disclosure statement and plan is expected to be filed.</p>	
<p>Have all of the monthly operating reports been filed?</p>	
<p>Have all Chapter 11 Quarterly Fees been paid current to the United States Trustee?</p>	
<p>3. <u>For All Chapters:</u></p>	
<p>List the total amount of cash on hand or on deposit which belongs to the estate.</p>	<p>\$52,530.66</p>
<p>List the amount and nature of accrued unpaid administrative expenses.</p>	<p>None other than the Trustee's fees and expenses which are unknown to attorneys.</p>
<p>State the amount of unencumbered funds in the estate.</p>	<p>\$52,360.66</p>

<p><b>III. PROJECT SUMMARY.</b></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><b>LIST OF PROJECTS CATEGORIES.</b></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>
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Counsel for the trustee was employed to assist the trustee with (i) recovery of real property alleged to be fraudulently transferred by the Debtors, and (ii) The sale of the Debtors' professional corporation. The fraudulent conveyance claim was ultimately settled and the trustee was able to obtain the court's approval of the settlement and compromise in the sum of \$20,000.00. The marketing and selling of the professional corporation was particularly complex in this case because of the Debtor, Dr. Gregerson's ability to establish a new office in direct competition with his existing professional corporation, and the potential liability resulting from the corporation's inability to service existing patients until a new doctor was available to take over the practice. Finally, in Idaho only a licensed medical doctor may qualify as a shareholder and purchaser of Dr. Gregerson's professional corporation. After multiple hearings, detailed review and analysis of financial statements, and months and months of settlement negotiations,

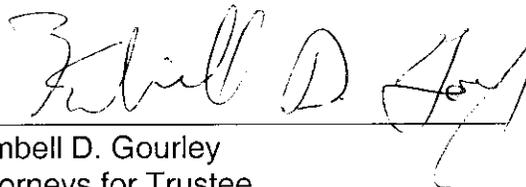
a settlement was finally reached with Dr. Gregerson, whereby he agreed to pay to the bankruptcy estate the sum of \$20,000.00 for the professional corporation. Thus, the trustee, with the assistance of counsel, was able to bring into the bankruptcy estate the total sum of \$40,000.00.

Date	Initials	Description	Time	Amount
09/28/00	KDG	Balance forward from attached Statements	76.70	\$2,257.50
		<i>Less \$10.00 difference per hour from \$135.00 to \$125.00</i>	9.5	(95.00)
		<b>Subtotal</b>		<b>\$2,162.50</b>
09/28/00	KDG	Draft Application for Compensation	.90	\$112.50
		Edit and final Application for Compensation		
		Photocopies (.15 per copy)		73.35
		Postage (4 mailings) (actual cost)		114.51
		Facsimile (\$1 per page)		12.00
		<b>Total Application</b>		<b>\$2,474.86</b>

The Trustee presently has \$52,530.66 in the estate. The assistant U.S. Trustee's office has advised that with total billings under \$2,500.00, it will not require compliance with the U.S. Trustee's Guidelines for Reviewing Applications for Compensation and Reimbursement of Expenses Filed under 11 U.S.C. § 330.

RESPECTFULLY SUBMITTED this 18<sup>th</sup> day of October, 2000.

EBERLE, BERLIN, KADING, TURNBOW  
& McKLVEEN, CHARTERED



Kimbell D. Gourley  
Attorneys for Trustee

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 18<sup>th</sup> day of October, 2000, a true and correct copy of the foregoing document was served as follows:

RANDAL J. FRENCH  
BAUER & FRENCH  
733 N. 7TH STREET  
P O BOX 2730  
BOISE, ID 83701-2730

RICHARD E. CRAWFORTH  
2404 BANK DRIVE, #312  
BOISE, ID 83705

UNITED STATES TRUSTEE  
P.O. BOX 110  
BOISE, ID 83702

- First Class Mail
- Hand Delivery
- Facsimile
- Overnight Delivery

  
\_\_\_\_\_  
Kimbell D. Gourley

f:\documents\00027830.doc

**EBERLE, BERLIN, KADING, TURNBOW & MCKLVEEN**

ATTORNEYS AT LAW  
CAPITOL PARK PLAZA  
300 NORTH 6TH STREET  
POST OFFICE BOX 1368  
BOISE, IDAHO 83701  
(208) 344-8535

EIN 82 0295653

October 17, 2000

RICH CRAWFORTH  
2404 BANK DR #312  
BOISE, IDAHO 837090000

15261- 4 KDG

STATEMENT FOR PERIOD THROUGH 9/30/00

RE: GREGORSON, GARY

8/13/99	CONFERENCE WITH RICH CRAWFORTH REGARDING: BANKRUPTCY SCHEDULES. (.50)	KDG	1.90	\$237.50
	CONFERENCE WITH RANDY FRENCH, DEBTORS, AND RICH CRAWFORTH REGARDING: BANKRUPTCY ASSETS, CLAIMS, TENANTS, AND OWNERSHIP OF LLC. (1.40)			
9/02/99	TELEPHONE CALL WITH BILL NICHOLS REGARDING: PROPERTY OF THE ESTATE.	KDG	.20	\$25.00
9/09/99	REVIEW OF LETTER FORM BILL NICHOLS. LETTER TO RICH CRAWFORTH REGARDING: SAME.	KDG	.20	\$25.00
9/13/99	TELEPHONE CALL WITH RICH CRAWFORTH REGARDING: DEFAMATION, SETTLEMENT FUNDS, AND VALUING CORPORATION.	KDG	.20	\$25.00
9/23/99	TELEPHONE CALL WITH RICH CRAWFORTH REGARDING: MISISNG FINANCIAL DOCUMENTS.	KDG	.20	\$25.00
10/29/99	REVIEW OF LETTER FROM RANDY FRENCH REGARDING: INSPECTION OF BOOKS (1.00) TO RANDY FRENCH (1.00) TELEPHONE CALL WITH RICH CRAWFORTH REGARDING: LETTER FROM RANDY FRENCH. (.20)	KDG	.40	\$50.00
1/04/00	REVIEW OF INFORMATION PACKET OBTAINED FROM TOM WEIR (2.00) LETTER TO RANDY FRENCH REGARDING: OBTAINING INFORMATION AND DOCUMENTS. (1.20)	KDG	.40	\$50.00
1/24/00	TELEPHONE CALL WITH RICH CRAWFORTH REGARDING INSPECTION OF BOOKS AND RECORDS.	KDG	.20	\$25.00
2/03/00	TELEPHONE CALL WITH RICH CRAWFORTH REGARDING EMPLOYMENT CONTRACT FOR BROKER OF PROFESSIONAL PRACTICE.	KDG	.20	\$25.00
2/14/00	CONFERENCE WITH RICH CRAWFORTH REGARDING REAL PROPERTY ISSUES (4.00) REVIEW AND ANALYSIS OF DOCUMENTS (8.00) CALCULATION OF OBLIGATIONS. PREPARATION OF DEMAND (.40)	KDG	.90	\$112.50

	LETTER REGARDING FRAUDULENT CONVEYANCE. <sup>(.20)</sup>			
2/22/00	REVIEW AND ANALYSIS OF DOCUMENTS SUBMITTED BY MEDICAL PRACTICE BROKER.	KDG	.30	\$37.50
2/28/00	CONFERENCE WITH RICH CRAWFORTH REGARDING EMPLOYING BROKER, AND TERMS. <sup>(.20)</sup> TELEPHONE CALL WITH TOM WEIR REGARDING SAME. <sup>(.20)</sup>	KDG	.40	\$50.00
2/29/00	TELEPHONE CALL WITH TOM WEIR REGARDING COMPENSATION AGREEMENT.	KDG	.20	\$25.00
3/01/00	TELEPHONE CALL WITH BILL MORROW REGARDING SETTLEMENT OF FRAUDULENT CONVEYANCE CLAIM. <sup>(.20)</sup> CONFERENCE WITH RICH CRAWFORTH REGARDING EMPLOYMENT OF TOM WEIR. <sup>(.10)</sup>	KDG	.30	\$37.50
3/06/00	REVIEW OF LETTER FROM BILL MORROW REGARDING SETTLEMENT OF FRAUDULENT CONVEYANCE CLAIM. LETTER TO RICH CRAWFORTH REGARDING SAME.	KDG	.20	\$25.00
3/13/00	CONFERENCE WITH RICH CRAWFORTH REGARDING EMPLOYMENT OF APPRAISER.	KDG	.20	\$25.00
3/14/00	DETAILED REVIEW AND ANALYSIS OF TOM WEIR'S CREDENTIALS. <sup>(.30)</sup> PREPARATION OF APPLICATION TO EMPLOY APPRAISER AND ORDER. <sup>(.50)</sup>	KDG	.80	\$100.00
3/20/00	TELEPHONE CALLS WITH RICH CRAWFORTH REGARDING EMPLOYING TOM WEIR, LETTER FROM SHEILA SCHWAGER, AND SETTLEMENT WITH DR. AGEE. <sup>(.20)</sup> LETTER TO BILL MORROW, COUNSEL FOR DR. AGEE REGARDING COUNTEROFFER. <sup>(.10)</sup>	KDG	.30	\$37.50
3/22/00	REVIEW OF LETTER FROM RANDY FRENCH REGARDING SETTLEMENT. <sup>(.10)</sup> TELEPHONE CALL WITH RICH CRAWFORTH REGARDING SAME. <sup>(.10)</sup>	KDG	.20	\$27.00
3/29/00	REVIEW AND REVISION OF APPLICATION TO EMPLOY APPRAISER.	KDG	.30	\$37.50
4/04/00	TELEPHONE CALL WITH RICH CRAWFORTH, REGARDING LETTER FROM BILL MORROW. <sup>(.20)</sup> BEGINNING PREPARATION OF MOTION TO APPROVE COMPROMISE. <sup>(.10)</sup>	KDG	1.30	\$175.50
4/06/00	TELEPHONE CALL WITH BILL MORROW REGARDING SETTLEMENT.	KDG	.10	\$13.50
4/20/00	REVIEW AND ANALYSIS OF DEBTORS' OBJECTION TO EMPLOYMENT OF APPRAISER. <sup>(.20)</sup>	KDG	.30	\$40.50

	TELEPHONE CALL WITH RICH CRAWFORTH REGARDING SAME. (.10)			
4/26/00	PREPARATION FOR AND ATTENDANCE OF HEARING ON APPLICATION TO EMPLOY APPRAISER.	KDG	1.10	\$148.50
4/27/00	LETTER TO RANDY FRENCH REGARDING SETTLEMENT OFFER. (20) PREPARATION OF ORDER TO EMPLOY APPRAISER. (30) LETTER TO JEFF HOWE REGARDING SAME. (.10)	KDG	.60	\$81.00
5/09/00	TELEPHONE CALL WITH BILL MORROW REGARDING HEARING ON SETTLEMENT.	KDG	.20	\$27.00
5/11/00	PREPARATION FOR AND ATTENDANCE OF HEAIRNG ON MOTORCYCLE TO APPROVE SETTLEMENT AND COMPROMISE. PREPARATION OF ORDER. (.20) (.10)	KDG	1.20	\$162.00
6/01/00	CONFERENCE WITH RICH CRAWFORTH REGARDING REMAINING CLAIMS. (30) LETTER TO RANDY FRENCH REGARDING PROFESSIONAL CORPORATION. (.10)	KDG	.40	\$54.00
6/13/00	TELEPHONE CALL FROM RICH CRAWFORTH REGARDING SALE OF CORPORATION AND SETTLEMENT WITH DR. AGEE. (10) TELEPHONE CALL TO RANDY FRENCH REGARDING SAME. (.10)	KDG	.20	\$27.00
6/14/00	TELEPHONE CALL WITH RANDY FRENCH REGARDING COURT ORDER AND OFFER OF SETTLEMENT.	KDG	.20	\$27.00
6/19/00	REVIEW OF SETTLEMENT OFFER FROM GREGORSONS. LETTER TO RICH CRAWFORTH REGARDING SAME.	KDG	.20	\$27.00
6/29/00	TELEPHONE CALL WITH RICH CRAWFORTH REGARDING SALE OF MEDICAL PRACTICE AND MAKING A COUNTEROFFER. (20) LETTER TO RANDY FRENCH REGARDING COUNTEROFFER. (.20)	KDG	.40	\$54.00
7/12/00	CONFERENCE WITH RICH CRAWFORTH REGARDING SELLING PROFESSIONAL CORPORATION AND NEWLY DISCLOSED ASSETS.	KDG	.30	\$40.50
7/17/00	TELEPHONE CALL WITH RICH CRAWFORTH REGARDING SETTLEMENT WITH DEBTORS.	KDG	.20	\$27.00
7/18/00	PREPARATION OF MOTION TO SELL PROPERTY FREE AND CLEAR OF LIENS.	KDG	1.20	\$162.00
7/20/00	REVIEW AND REVISION OF MOTION TO SELL PROPERTY FREE AND CLEAR OF LIENS.	KDG	.30	\$40.50
8/16/00	PREPARATION OF ORDER APPROVING SALE (.20)	KDG	1.10	\$148.50

PREPARATION FOR AND ATTENDANCE OF  
HEARING ON MOTION TO APPROVE SALE. (190)

<u>TIMEKEEPER</u>	<u>TIME</u>	<u>VALUE</u>	
KIMBELL D. GOURLEY	17.30	2,257.50	
	Services Total		----- \$2,257.50
COSTS AND EXPENSES			
8/30/99 TELECOPY		\$3.00	
4/04/00 PHOTOCOPY		\$39.60	
4/13/00 PHOTOCOPY		\$26.10	
5/05/00 TELECOPY		\$3.00	
5/18/00 PHOTOCOPY		\$7.65	
6/06/00 TELECOPY		\$3.00	
7/12/00 TELECOPY		\$3.00	
	Expense Total		\$85.35 -----
	TOTAL THIS INVOICE		\$2,342.85
	TOTAL BALANCE DUE		\$2,342.85

Any Payments Received After October 17, 2000  
Will Appear on Your Next Statement