



SO ORDERED.

SIGNED this 23rd day of November, 2015.

*Catharine R Aron*

UNITED STATES BANKRUPTCY JUDGE

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
WINSTON-SALEM DIVISION

IN RE:	)	
	)	
CHRISTIE MONICA LUCERO,	)	Case No. 15-50734
	)	
Debtor.	)	
_____	)	

This matter came before the Court for hearing on November 10, 2015 upon the Application by Attorney for Debtor for Compensation for work performed in a Chapter 13 case that converted to a Chapter 7 proceeding pre-confirmation (the "Fee Application") filed by Kristen S. Nardone on or about October 13, 2015. All interested parties received proper notice, and no party filed an Objection to the Application. At the hearing, Kristen S. Nardone appeared on her own behalf, and Robert E. Price, Jr. appeared for the Office of the United States Bankruptcy Administrator.

The main issue before the Court was whether *Harris v. Viegelahn*, 575 U.S. \_\_\_, 135 S. Ct. 1829, 191 L.E. 2d 783 (2015) prevented a Chapter 13 trustee from being able to pay administrative expenses pursuant to U.S.C. § 1326(a)(2) and Bankruptcy Rule of Federal Procedure Rule 1019 from funds held by the Chapter 13 Trustee upon conversion of the case to a Chapter 7 proceeding or whether any funds on hand must be immediately turned over to the Debtor upon conversion of a case pre-confirmation. This Court holds that *Harris v. Viegelahn* does not prevent the Chapter 13 Trustee from being allowed to pay allowed administrative expenses from funds on hand before remitting the balance of said funds to the Debtor upon conversion.

The Application is hereby approved. The Court finds that Debtors' Counsel should be awarded \$2,462.00 in fees and expenses to be remitted to said attorney by the Chapter 13 Trustee from funds on hand; therefore, it is

**ORDERED** that Debtor's Counsel is allowed compensation of \$2,462.00 in fees and expenses.

END OF DOCUMENT

PARTIES TO BE SERVED

William P. Miller  
Bankruptcy Administrator

Kathryn L. Bringle  
Chapter 13 Trustee

Bruce Magers  
Chapter 7 Trustee

Christie M. Lucero  
1815 Mary Wynn Court  
Kannapolis, NC 28-83

Kristen S. Nardone  
PO Box 1394  
Concord, NC 28026-1394

All interested parties