

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF RHODE ISLAND

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In re: :

DANIEL DACOSTA :
Debtor :

BK No. 01-14027
Chapter 7

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ORDER APPROVING TRUSTEE'S APPLICATION FOR COMPENSATION

Heard on the Debtor's Objection to the Trustee's Application for Compensation. The Debtor complains that he received \$3,300 less from the proceeds of his personal injury settlement than the amount initially represented by the Trustee. The Trustee's (personal injury) Special Counsel obtained a recovery of \$475,000, which is the only asset in this estate. There are no facts in dispute.

At the hearing on the Trustee's Application to Compromise the personal injury claim, the Debtor asked the Trustee what amount he would receive from the proceeds, and was given an estimate of \$215,000. The compromise was approved.

Special Counsel has voluntarily reduced his fee by \$56,000. The Trustee's statutory commission is \$17,000, but he, too, reduced his fee to \$7,500. As a result, the distribution to the Debtor turned out to be \$211,695.45, or \$3,304.55 less than his expectation. The Debtor does not dispute the reasonableness of the Trustee's compensation, but believes he is entitled to the \$3,300 "promised" by the Trustee.

The Court concludes that the Debtor has been treated fairly and reasonably by the professionals in this case, both of whom made substantial concessions, which obviously increased the amount going to the Debtor. The \$215,000 figure given by the Trustee to the Debtor was an approximation. There was no binding agreement that the Debtor would receive exactly \$215,000. If these professionals received their contractual and statutory entitlements, the Debtor would receive a distribution of about \$146,000.

The Court commends the Trustee and Special Counsel for the results achieved in this case, as well as for their consideration to the Debtor in reducing their requests. This Application is **APPROVED** as filed.

Enter judgment consistent with this Order.

Dated at Providence, Rhode Island, this 1st day of December, 2008.



Arthur N. Votolato
U.S. Bankruptcy Judge

Entered on docket: 12/1/08