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UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MASSACHUSETTS

In re)	Chapter 7, No. 09-21945-JNF
)	
ROBERT N. LUPO)	
)	
Debtor)	

APPLICATION FOR FEES AND EXPENSES BY
CHAPTER 11 TRUSTEE

To the HONORABLE JOAN N. FEENEY, Bankruptcy Judge:

Now comes JOSEPH B COLLINS, Trustee in the Bankruptcy of Robert N. Lupo, and he does hereby request the allowance of fees for professional services and reimbursement of out-of-pocket expenses in connection with his service as Trustee in the above-captioned case. In support thereof, your Applicant represents as follows:

1. During his appointment as Chapter 11 Trustee in this case, your Applicant rendered valuable services to the estate between August 19, 2010 and September 17, 2010, expending 47.7 hours of professional services, and during that time period, accrued the sum of \$10,777.00 in professional fees and \$816.16 in out-of-pocket expenses, all in accordance with the detailed account attached hereto as Exhibit "B". Attached hereto as Exhibit "A" is an attorney time summary, and attached as Exhibit "C" is a calculation of the commission due pursuant to 11 U.S.C. §§326 and 330.

2. The total disbursements made by the Chapter 11 Trustee were in the amount of \$78,783.92; accordingly, pursuant to 11 U.S.C. §326(a), the maximum commission for services rendered by the Trustee is \$7,189.20. The Trustee is requesting allowance of that commission. Additionally, the Trustee requests the allowance of out-of-pocket expenses in the amount of \$816.66.

3. The fees and expenses represented herewith belong solely to your Applicant and will not be pooled, shared or divided with any other person or firm except as necessary to pay expenses and salaries associated with his office.

4. The fees of professional services requested herein represent reasonable compensation for actual and necessary services rendered in connection with this matter. In addition, the out-of-pocket expenses requested represent actual and necessary expenses.

5. Pursuant to Rule 2016-1 of the Massachusetts Local Bankruptcy Rules, your Applicant has attached, a brief biography of each person included in the fee application (as Exhibit "D"), a summary of attorney/paralegal time and a detailed itemization of professional services rendered. Your Applicant certifies that no compensation is being sought for duplicative services.

6. Your Applicant has not received any compensation thus far for the above-described services and expenses.

WHEREFORE, your Applicant requests that he be awarded the sum of \$7,189.20 in fees and \$816.16 in out-of-pocket expenses.

JOSEPH B. COLLINS,
TRUSTEE IN BANKRUPTCY OF

ROBERT N. LUPO

Dated: December 27, 2010

By: /s/ Joseph B. Collins

JOSEPH B. COLLINS, ESQ.

(BBO No. 092660)

For HENDEL & COLLINS, P.C.

101 State Street

Springfield, MA 01103

Tel. (413) 734-6411

jcollins@hendelcollins.com

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EXHIBIT "A"

ATTORNEY TIME SUMMARY
ROBERT N. LUPO

<u>Attorney/Paralegal</u>	<u>Rate</u>	<u>Hours</u>	<u>Amount</u>
Joseph B. Collins (JBC)	\$385.00	15.2	\$5,852.00
Henry E. Geberth, Jr. (HEG)	\$360.00	5.4	\$1,944.00
Susan M. Mello (SMM)	\$110.00	<u>27.1</u>	<u>\$2,981.00</u>
	TOTAL	47.7	\$10,777.00
Average Hourly Rate:	\$285.00		

EXHIBIT B

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Mr. Robert N. Lupo

Re: TRA - Chapter 11
JBC 4572-000

Date	Description of Services	Atty	Hours
08-19-10	Telephone call from Bachtell, Esq. of U.S. Trustee's Office re: background of case	JBC	0.3
08-19-10	Review of Schedules and Statement of Financial Affairs; initial review of Court Docket	JBC	1.1
08-19-10	Series of telephone calls with Bachtell, Esq. of U.S. Trustee's Office; reviewed Examiner's Report; telephone call to DeGiacomo, Esq. re: status of case; telephone call to Ruttenberg, Esq. re: background and status	JBC	1.3
08-20-10	Continued review of pleadings on Court Docket	JBC	1.3
08-20-10	Reviewed Court Order; reviewed Verified Declaration; instructions re: bonding requirements	JBC	0.3
08-20-10	Drafted letter to M. Morris at International Sureties, Ltd. re: Chapter 11 Bond requirement	SMM	0.2
08-20-10	Prepared Application to Employ Counsel to Chapter 11 Trustee, Signed Statement of Professional Person, Declaration re: Electronic Filing and Certificate of Service re: same	SMM	0.8
08-20-10	Prepared Verified Statement and Certificate of Service	SMM	0.4
08-24-10	Telephone call from R. Lupo re: repairs needed 166 Washington St., Newton and 700 Boston Post Road; employment of counsel; insurance expiration policy HP254-14-92; agreement with banks to reduce interest	HEG	0.5
08-24-10	Dictated letter to R. Lupo re: placing insurance on property repairs to 116 Newton Street	HEG	0.3
08-24-10	Reviewed detailed message and demand from L. Jacobs	JBC	0.2
08-25-10	Series of conference with Collins, Esq. and Geberth, Esq. re: cash management issues	SMM	2.1
08-25-10	Opened checking account	SMM	0.2
08-25-10	Telephone call to D. Hurst at Bank of		

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Mr. Robert N. Lupo

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Re: TRA - Chapter 11
JBC 4572-000

Date	Description of Services	Atty	Hours
	America re: account inquiries	SMM	0.1
08-25-10	Series of conferences with Geberth, Esq. and S. Mello re: cash management; telephone call to R. Lupo re: transition issues; telephone call to Bley, Esq. re: payroll, Section 8 rents; subsequent conference with Geberth, Esq. and S. Mello re: organization of operations	JBC	2.1
08-25-10	Reviewed Debtor's Monthly Operating Reports and related Reports; reviewed Cash Flow Reports; consideration of Debtor's apparent inability to cover debt service	JBC	1.4
08-25-10	Series of conferences with Collins, Esq. and Mello re: transition from Debtor In Possession to Chapter 11 Trustee; development of overall case strategy; consideration of employment of professionals; including telephone conference with P. Bley on cash management issues; budget preparation and telephone conference with R. Lupo re: transition issues and cash management issues	HEG	2.1
08-25-10	Dictated letter to Crystal re: contract information for various Section 8 payors	HEG	0.3
08-25-10	Reviewed correspondence from S. Grossman, Esq. re: transition of control of estate funds	HEG	0.1
08-26-10	Reviewed deposits and outstanding bills forwarded by Debtor	JBC	0.4
08-27-10	Updated Form 1; prepared and organized deposits, updated Trustee's Ledger and Receipt Log	SMM	1.3
08-27-10	Organize information for Trustee Form 1; development of categories for rent and expenses; reviewed potential cash flow issues and problems	JBC	1.3
08-27-10	Reviewed and revised Application to Employ Hendel & Collins, P.C. as Counsel to Trustee	JBC	0.5
08-27-10	Reviewed Estate receipts	JBC	0.1
08-30-10	Reviewed Estate Receipts and disbursements	JBC	0.1

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Mr. Robert N. Lupo

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Re: TRA - Chapter 11
JBC 4572-000

Date	Description of Services	Atty	Hours
08-30-10	Computer adjustments to reflect deposits, updated Trustee's Ledger and Receipt Log	SMM	0.4
08-30-10	Prepared disbursements and updated Trustee's Ledger	SMM	0.6
08-30-10	Conference with Geberth, Esq. re: problems with operations	JBC	0.3
08-30-10	Conference with Collins, Esq. re: problems with operations	HEG	0.3
08-31-10	Telephone call to Bachtell, Esq. at the U.S. Trustee's Office re: case status	JBC	0.1
08-31-10	Reviewed cash position; disbursement requests	JBC	0.4
09-01-10	Telephone call from Bachtell, Esq. at the U.S. Trustee's Office re: Chapter 11 feasibility	JBC	0.2
09-02-10	Reviewed Monthly Operating Reports; reviewed disbursements made by Debtor; consideration if income available for debt services	JBC	0.5
09-02-10	Conference with Geberth, Esq. re: operational problems at Boston Road and other properties	JBC	0.3
09-02-10	Reviewed Receipts and disbursements	JBC	0.2
09-02-10	Prepared multiple disbursements and updated Trustee's Ledger	SMM	0.8
09-02-10	Conference with Collins, Esq. re: operation issue concerns with rental properties	HEG	0.3
09-03-10	Organized check amounts to tenants of properties; made computer adjustments to reflect deposits, updated Trustee's Ledger and Receipt Log	SMM	2.5
09-03-10	Reviewed correspondence from R. Lupo detailing deposits	HEG	0.2
09-03-10	Dictated letter to R. Lupo re: deposits of rents to include property location and tenant information	HEG	0.2
09-07-10	Organized check amounts to tenants of properties, made computer adjustments to reflect deposits, updated Trustee's Ledger and Receipt Log	SMM	1.3
09-07-10	Reviewed correspondence from R. Lupo re:		

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Mr. Robert N. Lupo

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Re: TRA - Chapter 11
JBC 4572-000

Date	Description of Services	Atty	Hours
	procedure for dealing with Waltham Housing Authority and mixing of Chapter 11 estate and non estate portions of rent	HEG	0.2
09-07-10	Dictated letter to Debron re: procedures to deposit rents	HEG	0.2
09-08-10	Prepared deposit, updated Trustee's Ledger and Receipt Log	SMM	0.2
09-09-10	Organized check amounts to tenants of properties to reflect deposit made; made computer adjustments to reflect deposits; updated Trustee's Ledger and Receipt Log	SMM	5.1
09-09-10	Prepared disbursements (11) and updated Trustee's Ledger	SMM	1.2
09-09-10	Reviewed Receipts and disbursements	JBC	0.2
09-10-10	Organized and updated Form 1 to reflect all payments made to particular asset listed on the Schedules	SMM	0.3
09-13-10	Organized check amounts to tenants of properties to reflect deposit made; made computer adjustments to reflect deposits; updated Trustee's Ledger and Receipt Log	SMM	1.2
09-13-10	Prepared disbursements and updated Trustee's Ledger	SMM	0.8
09-13-10	Instructions to Paralegal re: information for Monthly Operating Report; reviewed disbursements	JBC	0.3
09-13-10	Reviewed and revised Chapter 11 Trustee's statement regarding Order to Show Cause	HEG	0.3
09-14-10	Reconciled bank statement and updated Trustee's Ledger	SMM	0.2
09-14-10	Reviewed Trustee's Receipts and Disbursement Report and current bank statement	JBC	0.1
09-14-10	Telephone call to Bachtell, Esq. at the U.S. Trustee's Office re: review of case status	JBC	0.4
09-14-10	Telephone call to Bachtell, Esq. at the U.S. Trustee's Office re: conversion of case	JBC	0.1
09-15-10	Reviewed post-petition invoices presented for payment	JBC	0.4
09-15-10	Telephone conference with Collins, Esq. re: conversion to Chapter 7 and action steps		

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Mr. Robert N. Lupo

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Re: TRA - Chapter 11
JBC 4572-000

Date	Description of Services	Atty	Hours
	necessary once case has been converted	HEG	0.2
09-16-10	Drafted letter to Bank of America re: wire transfer to Citizens Bank; subsequent call to D. Hurst at Bank of America re: outgoing wire transfer	SMM	0.3
09-16-10	Computer adjustments and updated Trustee's Ledger	SMM	0.2
09-16-10	Organize check amounts to tenants of properties; made computer adjustments to reflect deposits; updated Trustee's Ledger and Receipt Log	SMM	0.7
09-16-10	Conference with Geberth, Esq. re: payment of invoices; subsequent preparation of disbursements and updated Trustee's Ledger	SMM	2.1
09-16-10	Drafted email to Crystal re: verification of incoming wire transfer	SMM	0.2
09-16-10	Prepared disbursements and updated Trustee's Ledger	SMM	1.1
09-16-10	Several email and telephone calls from Crystal re: pickup of Home Depot check and Independent Contractor checks	SMM	0.2
09-16-10	Reviewed insurance documents and information; consideration of coverage on multiple parcels; reviewed disbursements	JBC	0.8
09-16-10	Conference with S. Mello re: multiple disbursements	HEG	0.2
09-16-10	Reviewed receipts and disbursements	JBC	0.2
09-17-10	Several emails from Crystal re: inquiry into status of Right Networks invoice	SMM	0.1
09-17-10	Prepared multiple disbursements and updated Trustee's Ledger	SMM	2.5
09-17-10	Reviewed disbursements for utilities and other liabilities	JBC	0.3

Total Fees \$ 10,777.00

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Mr. Robert N. Lupo

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Re: TRA - Chapter 11
JBC 4572-000

Date	Disbursement Description	Amount
08-20-10	Photocopies and postage; re: Verified Statement of Joseph B. Collins	27.44
08-23-10	Certified copies; Certified copy of Trustee's Certificate of Appointment; U. S. Bankruptcy Court	35.00
08-23-10	Fee; Recording of Trustee's Certificate of Appointment with Middlesex South District Registry of Deeds; Commonwealth of Massachusetts	75.00
08-27-10	Fee; Trustee's Chapter 11 Bond; International Sureties, LTD	500.00
08-30-10	Postage; re: Independent Contractor Checks	2.20
09-03-10	Photocopies and postage; Notice to Employ Verdolino & Lowey, PC with copies to all creditors	118.80
09-03-10	Photocopies and postage; Notice to Employ Verdolino & Lowey, PC sent to all parties	57.72

	Total Disbursements	\$ 816.16

EXHIBIT "C"

ITEMIZATION OF TRUSTEE SERVICES AND EXPENSES

I. EXPENSES

See Itemization annexed hereto.

II. FEES

Total disbursements to other than the Debtor are: \$78,783.92

Pursuant to 11 U.S.C. 326, compensation is computed as follows:

25% of First \$5,000:	\$ 5,000.00	=	\$ 1,250.00
10% of Next \$45,000:	\$ 45,000.00	=	\$ 4,500.00
5% of Next \$950,000:	\$ 28,783.92	=	\$ 1,439.20
3% of Balance:	\$ 0.00	=	\$ 0.00

Total Compensation: \$ 7,189.20

Previously Paid: \$ 0.00

Total Compensation Requested: \$ 7,189.20

Exhibit "D"

JOSEPH B. COLLINS, A.A., A.B., J.D.

Joseph B. Collins is a partner in the firm of Hendel & Collins, P.C. Mr. Collins received an Associate degree from Holyoke Community College in 1973 and a Bachelor of Arts degree (Cum Laude) from Boston College in 1975. Mr. Collins received his legal education from Suffolk University School of Law where he was awarded a Juris Doctor degree in 1978.

Mr. Collins is a Fellow of the American College of Bankruptcy. He holds an AV rating from Martindale-Hubbell Law Directory and is listed in the Best Lawyers in America published by Woodward/White. He has been given the designation "Super Lawyer" by Boston Magazine and in 2006 and 2008 he was named as one of the top 100 lawyers in Massachusetts by that publication.

Mr. Collins served as an Adjunct Professor of Bankruptcy Law at Western New England College School of Law in Springfield, Massachusetts for over ten years, and is regularly called upon to serve as a panelist and lecturer on bankruptcy and commercial law topics.

He is also a member of the American, and Hampden County Bar Associations, the American Bankruptcy Institute, National Association Bankruptcy Trustees and the Commercial Law League of America.

HENRY E. GEBERTH, JR., B.A., M.B.A., J.D.

Henry Geberth is a partner in the Springfield, Massachusetts, law firm of Hendel & Collins, P.C. He received his Bachelor of Arts degree from Wagner College, Staten Island, New York in 1968. After college, Mr. Geberth served in the United States Army as an infantry officer until his retirement in 1971. Mr. Geberth was awarded a Masters of Business Administration degree from the University of Connecticut in 1973. He received his legal education at Western New England College School of Law, where he was a member of the Law Review.

In addition to the practice of law, Mr. Geberth has several years of management experience in a manufacturing environment. He was admitted to the Bar in 1977, where his practice has been centered on commercial, bankruptcy and tax related matters. Mr. Geberth is a member of the Massachusetts and Hampden County Bar Associations, the American Bankruptcy Institute, the Commercial Law League of America and Turnaround Management Association. He is admitted to practice before the U.S. District Court, the United States Tax Court and the Courts of the Commonwealth of Massachusetts. He is listed in the Best Lawyers in America published by Woodward/White. Mr. Geberth is regularly called upon to speak on bankruptcy and insolvency tax matters at programs sponsored by the ABI, MCLE, Western New England College School of Law and the University of Connecticut School of Law.

SUSAN M. MELLO, A.A.

Susan M. Mello has been employed at Hendel & Collins, P.C. since August 1995. Ms. Mello was educated at Holyoke Community College where she received an Associate Degree with concentration in secretarial science in 1985. She obtained her Paralegal Certificate from Northeastern University in June of 2002. She is a member of the National Association of Bankruptcy Trustees.

Ms. Mello's duties include overseeing all bankruptcy trustee cases, the preparation of interim and final reports and the maintenance for investments for the separate estates. Ms. Mello has attended seminars regarding the administration of trustee cases and the preparation of accounts. Ms. Mello is frequently called upon to respond to many inquiries of clients and creditors.

Ms. Mello's education and job experience are supplemented by regular attendance at seminars provided for legal assistants in the office. These seminars cover a broad range of subjects and are aimed at broadening the duties and responsibilities of participants.

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MASSACHUSETTS

In re)	Chapter 7, No. 09-21945-JNF	
)		
ROBERT N. LUPO)		
)		
)		
Debtor)		

ORDER ON APPLICATION FOR FEES AND EXPENSES BY CHAPTER 11 TRUSTEE

At Boston, in said District, on this day of January, 2011.

Upon consideration of the above-captioned Application for Fees and Expenses by Chapter 11 Trustee, after notice and hearing, and for good cause shown, it is hereby

ORDERED that Joseph B. Collins, Chapter 11 Trustee, be allowed fees in the amount of \$7,189.20 for professional services rendered and the sum of \$816.66 for expenses; and it is further

ORDERED that the payment of the fees and expenses allowed herein shall be deferred pending further order of the Court.

HONORABLE JOAN N. FEENEY
Bankruptcy Judge