

**IF AN ORDER IS NOT SUBMITTED IN SUBSTANTIALLY THIS FORM,  
COUNSEL ORDINARILY WILL BE ASKED TO JUSTIFY THE CHANGES.**

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW MEXICO

In re:

(Name),

Debtor.

**ORDER APPROVING \_\_\_\_\_ EMPLOYMENT OF (NAME)**

This matter came before the Court, pursuant to 11 U.S.C. §\_\_ and Bankruptcy Rule 2014, upon the \_\_\_\_\_'s ("Movant's") Motion to Employ \_\_\_\_\_, filed \_\_\_\_\_, docket no. \_\_\_\_ (the "Motion").

The Court, having reviewed the record and considered the Motion, and being sufficiently advised, FINDS:

(a) On \_\_\_\_\_, the Debtor filed its voluntary petition under chapter \_\_\_\_ of the Bankruptcy Code;

(b) On \_\_\_\_\_, Movant filed the Motion, seeking approval, effective as of such filing date, of the employment of \_\_\_\_\_ ("Professional") as \_\_\_\_\_ for Movant in this bankruptcy case;

(c) On \_\_\_\_\_, Professional filed disclosures pursuant to Bankruptcy Rules 2014 and/or 2016. (Docket No(s). \_\_);

(d) On \_\_\_\_\_, Movant served notice of the Motion by mail or by use of the Court's case management and electronic filing system for the transmission of notices, as authorized by Fed.R.Civ.P. 5(b)(3) and NM LBR 9036-1, on all creditors and other parties in interest shown on the mailing list maintained by the Clerk of the Bankruptcy Court for

this case, specifying an objection deadline of 21 days from the date of service, to which three days was added under Bankruptcy Rule 9006(f);

(e) Notice given of the Motion was sufficient in form and content;

(f) The objection deadline expired on \_\_\_\_\_;

(g) No objections to the Motion were filed, timely or otherwise (*or recite any objections and the disposition of the objections*); and

(h) The Motion is well taken and should be granted as provided herein.

IT IS, THEREFORE ORDERED:

1. Movant's employment of Professional, pursuant to Bankruptcy Code §\_\_\_\_, to render services as provided in the engagement letter attached to Professional's Rule 2014 disclosure, hereby is approved effective as of the date the Motion was filed.

2. Movant is authorized to pay Professional on a monthly basis, upon receipt of Professional's billing statements and prior to the Court's approval of the Professional's compensation "Interim Payments"), 75% of billed fees, 100% of reimbursable costs, and 100% of applicable gross receipts tax on paid fees and costs[*add in chapter 11 cases*::; provided, however, that the Debtor will make Interim Payments to Court approved professional persons retained by the Debtor and any official committee on a pro rata basis]. Such payments are to be made (*if applicable: first, from a pre-petition retainer in held in Professional's trust account, and when the retainer is fully expended, thereafter*) from (*other*) funds of the estate (*if applicable: subject to authority to use cash collateral to make such payments*). The Movant may make Interim Payments to Professional based on services charged at the hourly rates set forth in the Motion. Payment of fees, costs and gross receipts taxes, whether or not approved by interim Court order, may be subject to

disgorgement if the estate is ultimately found to be administratively insolvent, or if the compensation paid exceeds the amount allowed on a final basis.

3. All fees, costs and gross receipts taxes charged or paid on a monthly basis or otherwise, including the reasonableness of rates charged, are subject to ultimate approval of the Bankruptcy Court under Bankruptcy Code §§ 328, 330 and 331.

4. Professionals will file fee applications at least every 180 days. The fee applications will contain a detailed statement showing services performed by Professionals, compensation received, and any compensation previously approved.

XXX END OF ORDER XXX

Submitted by:

*(Signature block)*

Copy to:

United States Trustee  
P.O. Box 608  
Albuquerque, New Mexico 87103