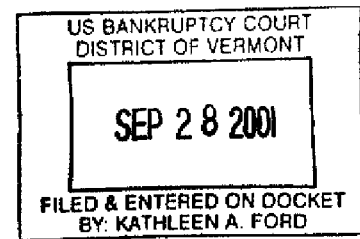


UNITED STATES BANKRUPTCY COURT
DISTRICT OF VERMONT



In re:

Laura Ann Stoltz,
Debtor.

Chapter 7 Case
97-12879 cab

Brattleboro Housing Authority,
Plaintiff,

v.
Laura Ann Stoltz,
Defendant.

Adversary Proceeding
00-1031 cab

37-1

**ORDER GRANTING PLAINTIFF'S ORAL MOTION TO DISMISS COMPLAINT AND
GRANTING DEFENDANT'S MOTION FOR COSTS AND FEES UNDER 11 U.S.C. § 523(d)
AND FIXING FEES AND COSTS**

This matters before the Court are the plaintiff's *ore tenus* Motion to Dismiss Complaint presented at the hearing held August 21, 2001 and the defendant's Motion for Assessment of Attorney's Fees and Costs Pursuant to 11 U.S.C. §523(d) [Dkt. #23-1] dated June 20, 2001. This Court issued its Memorandum of Decision regarding the foregoing on August 27, 2001, wherein the oral motion to dismiss and motion for costs and fees were granted, the defendant was directed to submit an affidavit itemizing the reasonable value of attorney services rendered in this proceeding and to certify any costs incurred by September 10, 2001, and the plaintiff was directed to submit any response or objection to same by September 17, 2001. The defendant submitted her Affidavit of Geoffrey Walsh, Esq. in Support of Claim for Attorneys Fees and Costs timely; the plaintiff has not submitted any response or objection to the fees and costs specifically requested by the defense.

Upon a careful review of the attorney time incurred in the defense of this cause and the related costs incurred as reflected by the carefully detailed application and supporting documentation submitted on behalf of the defendant, and an assessment of these sums in relation to the nature of the litigation, its related complexities, quality of legal services and the results obtained, and based upon the reasons set forth

in the August 27, 2001 Memorandum of Decision, it is

ORDERED AND ADJUDGED that the plaintiff's *ore tenus* motion to dismiss is hereby GRANTED subject to a ruling by this Court on the defendant's motion for costs and fees; and

IT IS FURTHER ORDERED AND ADJUDGED that the defendant's Motion for Assessment of Attorney's Fees and Costs Pursuant to 11 U.S.C. §523(d) is hereby GRANTED.

THIS COURT FINDS that the \$125.00 per hour rate charged for the attorney services rendered herein by defense counsel, Vermont Legal Aid, Inc., is reasonable and that 27.3 hours constitutes a reasonable amount of time spent by defense counsel in this adversary proceeding; and


THIS COURT FURTHER FINDS that the \$259.70 of the costs incurred by Vermont Legal Aid, Inc. in the defense of this adversary proceeding is reasonable and necessary.

IT IS THEREFORE ORDERED AND ADJUDGED that Vermont Legal Aid, Inc. is entitled to a reasonable attorney's fee award in the amount of \$3,412.50 and costs in the amount of \$259.70; and

IT IS FURTHER ORDERED AND ADJUDGED that the plaintiff, Brattleboro Housing Authority, is directed to pay the sum of \$3,672.20 directly to Vermont Legal Aid, Inc. within 20 days of this order becoming final.

SO ORDERED.

Rutland, Vermont
September 27, 2001



Colleen A. Brown
United States Bankruptcy Judge