

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF VERMONT**

In re:

**Amendment to Standing Order 03-3¹,
(1) Maintenance of Claims Register in
Cases with a Filed Request for Payment
of Administrative Expenses, and
(2) Notice and Hearing Pursuant to
11 U.S.C. § 503(a) for Allowance of
Administrative Expenses Under
§ 503(b)(1) in Chapter 7 Cases**

**Standing Order
03-4**

Section 503(b) provides that administrative expenses shall be allowed “after notice and a hearing.” The Federal Rules of Bankruptcy Procedure, however, do not set forth any specific procedures for the allowance of § 503(b)(1) administrative expenses. Under § 102(1) of the Bankruptcy Code, notice and hearing means “such notice as is appropriate ..., and such opportunity for a hearing as is appropriate in the particular circumstances” Accordingly, the Court deems the notice and opportunity for hearing and default procedure established herein appropriate for the allowance of requests for payment of administrative expenses under § 503(b)(1).

Accordingly, it is hereby ORDERED, that:

(1) In all cases under the Bankruptcy Code, the Clerk of Court (“Clerk”) is directed that upon the filing under § 503(a) of a request for payment of administrative expenses pursuant to § 503(b)(1), such request shall be recorded by the Clerk on any Claims Register kept in accordance with Fed.R.Bankr.P. 5003(b)², and described thereon as an administrative claim.

(2) In cases under Chapter 7, in the absence of a pending objection to the allowance of a request for payment of administrative expenses pursuant to § 503(b)(1), recorded by the Clerk on the Claims Register, unless the trustee determines to object to the request for payment, the trustee shall include the request for payment in his or her final account.

The trustee shall ensure that all parties on the official mailing list provided pursuant to Vt. LBR 2002-1(c) are sent notice of the trustee’s proposed payment of requests for payment of any administrative expense pursuant to § 503(b)(1) showing on the Claims Register and not previously ordered allowed or previously paid. Notice shall be given at the same time and in the same manner as the Notice of Final Meeting of Creditors on the Final Account and Report of the Trustee pursuant to Fed.R.Bankr.P. 2002(f)(8) and 2003(g). The trustee shall set forth in the notice the name of the

¹ Amended to add to the second paragraph of Item (2) the sentence, “*The request shall be deemed allowed if no objection is filed.*”

² If any request for payment pursuant to § 503(a) is filed, seeking allowance of administrative expenses of the kinds specified in § 503(b)(1), the Clerk shall prepare a claims register if one has not already been prepared, without regard to whether there is likely to be a distribution to general unsecured creditors.

entity requesting and the amount requested for any administrative expense that the trustee proposes to pay from property of the estate.³ The request shall be deemed allowed if no objection is filed. Subsequent to the hearing, the trustee shall include in his or her proposed Order Allowing Compensation, Reimbursement of Expenses, and Requests for Payment of Administrative Expenses Pursuant to 11 U.S.C. § 503(b)(1) the name of the entity requesting and the amount of the administrative request for payment deemed allowed. Upon entry of the order the trustee may pay the allowed amount.

(3) The Chapter 7 Trustee may make payment upon administrative expenses and claims as otherwise allowed or required by law, including prior to the preparation of a Final Report.

(4) This Standing Order shall not be construed to confer standing on any entity to object to the allowance or payment of any request for payment of administrative expense for which such entity does not otherwise have standing.

DATED at Rutland, Vermont this 24 day of October, 2003.



Colleen A. Brown
United States Bankruptcy Judge

³ This Standing Order assumes that if the trustee does not propose to pay a request for administrative expenses, the trustee will have previously objected to or sought withdrawal of the request, which would have resulted in a prior Court order.