



U.S. Department of Justice

*Office of the United States Trustee
District of South Carolina*

1835 Assembly Street, Suite 953
Columbia, South Carolina 29201

(803) 765-5250
Fax: (803) 765-5260

(date)

(address of debtor's atty)

Re: (case name)
Case No.
Chapter 7
Collection of Fees Post-Petition

Dear :

As you know, the United States Trustee is charged with the review of fees in bankruptcy cases pursuant to 28 U.S.C. § 586. A review of your Disclosure of Compensation of Attorney for the debtor(s) reflects that of the \$ in fees charged, only \$ was collected before you filed the debtor's bankruptcy case, leaving a balance of \$.

Pre-petition attorneys' fees not paid prior to filing are dischargeable. *See, Rittenhouse v. Eisen*, 404 F.3d 395, 396 (6th Cir. 2005); *In re Fickling*, 361 F.3d 172, 177 (2nd Cir. 2004); *Bethea v. Robert J. Adams & Assoc.*, 352 F.3d 1125, 1127 (7th Cir. 2003); *In re Biggar*, 110 F.3d 685, 687 (9th Cir. 1997). Post-petition collection efforts of a discharged fee violate the automatic stay provisions of 11 U.S.C. § 362. Please inform your client that the balance of the fees is dischargeable, and you may not seek to collect the unpaid fee. Nothing, however, prevents the debtor from voluntarily paying the fee.

Sincerely,

Trial Attorney
Office of the United States Trustee
(803) 765-52

cc: (ch 7 trustee)