

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF WISCONSIN

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In re : **(Debtors name)**

CHAPTER 13

Debtor(s).

Case Number: (Case number)

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APPLICATION BY DEBTOR FOR AUTHORIZATION TO EMPLOY  
(Company name) AS REAL ESTATE BROKER

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TO THE HON. (Judge's name), UNITED STATES BANKRUPTCY  
JUDGE, EASTERN DISTRICT OF WISCONSIN:

The Application of (Debtor's attorney's name), respectfully states that:

1. She is the attorney for the debtor, (Debtor's name) in the Chapter 13 bankruptcy proceeding set forth above.
2. The debtor owns a home located at (Debtor's address including city and state) which home was listed for sale with (Company name and address including city and state) on (Date property listed).
3. The debtor requests that the court appoint the aforementioned (Reality company), broker, as the agent for the debtor in this transaction pursuant to the listing contract, a copy of which is attached hereto and incorporated herein by reference.
4. The debtors request that the court allow compensation in accordance with the terms of the listing contract which is a (list %) % commission.

WHEREFORE, applicant prays that (Company name) be authorized to act as agent for the debtors with compensation for such services to be paid as (list %) % of the purchase price.

Dated: (Month, date, year)

\_\_\_\_\_  
(Attorney's signature above) Attorney for debtor

**UNITED STATES BANKRUPTCY COURT  
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DECLARATION OF (Name of company)

I, (name of owner) , of (name of company), declare:

1. I am the owner of (Name of company), and am a real estate broker licensed in the State of (state).
2. The debtors entered into a listing contract with (name of company) on (date) for the term from (date) through (date).
3. The contract provides for compensation in the amount ( list% )% of the sales price if the sale is after (date). This compensation is less than the usual and customary fee for this type of transaction in our industry and geographic area.
4. To the best of my knowledge, information and belief, I am a disinterested person within the meaning of 11 U.S.C. §101(14) as neither I nor (Company name) is a creditor of the debtor. Neither I nor (Company name) hold any interest adverse to the debtors or the debtors' estate. I am informed, and believe, that I may be employed by the debtors pursuant to the provisions of 11 U.S.C. §327(a) granting the debtors the right to retain professional services to assist in the administration of their bankruptcy estate. I declare under penalty of perjury that the foregoing is true and correct.

Executed this \_\_\_\_\_ day of (month, year).

BY: (Signature of broker) \_\_\_\_\_  
(Broker's name)  
(Company name)

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UNITED STATES BANKRUPTCY COURT  
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In re : (Debtor's name)

CHAPTER 13

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ORDER APPOINTING (Company name) AS REAL ESTATE BROKER FOR SALE  
OF (Address, city, state)

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The court having considered the foregoing application of the debtors to employ (Company name, city, state) as real estate broker for the debtors, (Debtor's name) for the sale of (Property address, city, state) and having reviewed the Declaration of Disinterest on behalf of (Company name), and it appearing that (Company name) qualifies as a "disinterested person" and that the employment is in the best interest of the estate and the economical administration thereof,

IT IS ORDERED:

(Debtor's name) is authorized to employ (Company name) to sell his real estate with compensation to be approved in the amount of (list %) % of the sales price.

If the assets of the estate are insufficient to pay administrative costs, including fees to professional persons appointed by court order, interim payments on said fees may not be allowed if it cannot be shown that there is a reasonable likelihood that the estate will in the future generate sufficient cash to pay all administrative expenses in full.

The terms and conditions of all fee arrangements are subject to the provisions of **11 U.S.C. § 328(a)** which states in part that, "the court may allow compensation different from the compensation provided under such terms and conditions after the conclusion of such employment, if such terms and conditions prove to have been improvident in light of developments not capable of being anticipated at the time of the fixing of such terms and conditions".

Further, having been advised that compensation is requested in the amount of *(list %)* % of the sales price and that compensation is fair and reasonable compensation for the services, fees for the services authorized herein shall not exceed *(list %)* % of the sales price without the advance approval of the court.

Dated this \_\_\_\_\_ day of (Month, year).

BY THE COURT

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(Judge's name)  
U. S. Bankruptcy Judge  
Eastern District of Wisconsin