

The below described is **SIGNED**.



Dated: September 16, 2013

**JOEL T. MARKER**  
U.S. Bankruptcy Judge

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION**

<p>In re</p> <p>CASTLE ARCH REAL ESTATE INVESTMENT COMPANY, LLC; CAOP MANAGERS, LLC; CASTLE ARCH OPPORTUNITY PARTNERS I, LLC; CASTLE ARCH OPPORTUNITY PARTNERS II, LLC; CASTLE ARCH KINGMAN, LLC; CASTLE ARCH SECURED DEVELOPMENT FUND, LLC; and CASTLE ARCH SMYRNA, LLC,</p> <p>Debtors.</p>	<p>Bankruptcy Case No. 11-35082</p> <p>Bankruptcy Case No. 11-35237</p> <p>Bankruptcy Case No. 11-35240</p> <p>Bankruptcy Case No. 11-35242</p> <p>Bankruptcy Case No. 11-35243</p> <p>Bankruptcy Case No. 11-35246</p> <p>Bankruptcy Case No. 11-35241</p> <p>(Jointly Administered)</p> <p>(Chapter 11)</p> <p>Honorable Joel T. Marker</p>
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**ORDER ON FIRST AND FINAL APPLICATION FOR ALLOWANCE OF FEES AND COSTS BY LABERTEW & ASSOCIATES, LLC, FORMER COUNSEL FOR CASTLE ARCH SMYRNA, LLC, CASTLE ARCH KINGMAN, LLC AND CAOP MANAGERS, LLC**

This matter came before the Court on the First and Final Application for Allowance of Fees and Costs by Labertew & Associates, LLC, Former Counsel for Castle Arch Smyrna, LLC, Castle Arch Kingman, LLC and CAOP Managers, LLC [Docket No. 729] (the “Application”).

The Application was filed with the Court on August 1, 2013, and served through the Court’s CM/ECF system upon all parties that receive electronic service in the above-captioned bankruptcy cases. Additionally, a Notice of Hearing [Docket No. 730] (the “Notice”) was properly served on all interested parties in the above-captioned case, providing notice that August 16, 2013 was the deadline for filing objections to the Application and that a hearing on the Application would commence on August 27, 2013 at 2:00 p.m. The Notice also informed parties in interest that failure to attend the hearing on the Application could result in filed responses or objections being stricken by the Court.

The Court finds, based on the Notice and the Certificate of Service of Notice of Hearing on Fee Application [Docket No. 737] (the “Certificate of Service”), that notice is proper and no further notice is required. No objections to the Application were filed.

The Court held a hearing on the Application on August 27, 2013, and appearances were made on the record. During the hearing, counsel for Labertew & Associates, LLC advised the Court that the Application should be and is amended to reflect: (a) a \$1,237.50 reduction in fees, due to the fact that travel-related fees were to be billed at a ½ rate pursuant to Labertew & Associates, LLC’s Fee Agreement; and (b) no reduction for the \$13,330 remaining as initial retainer funds in trust with Labertew & Associates, LLC,

as such funds shall be returned to the Trustee in this matter by Labertew & Associates, LLC.

The Court, having considered the Application, the Notice, the Certificate of Service, the applicable law, and the entire record in this case, and good cause showing,

FINDS AND ORDERS AS FOLLOWS:

- (1) The Application is approved;
- (2) The fees and expenses requested in the Application are actual, necessary and reasonable, and are allowed under 11 U.S.C. §§ 330, 331 and 503;
- (3) Labertew & Associates, LLC is allowed total fees in the amount of \$74,096.50 and reimbursement of total expenses in the amount of \$594;
- (4) The fees and expenses allowed herein shall be an Allowed Administrative Expense Claim against the Consolidated Legacy Estate pursuant to 11 U.S.C. § 503(b)(2) and afforded priority under 11 U.S.C. § 507(a);
- (5) To the extent sufficient funds exist, the Trustee is authorized to make distributions of the fees and expenses allowed herein pursuant to the terms of the confirmed *Second Amended Chapter 11 Trustee's Plan of Liquidation Dated February 25, 2013* [Docket No. 701] and all supplements and Liquidating Trust Agreements relating thereto; and
- (6) Labertew & Associates, LLC shall return its remaining initial retainer funds in the amount of \$13,330 to the Chapter 11 Trustee in this matter.

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**End of Order**