

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
DOTHAN DIVISION**

IN RE:

BEVERLY JENSEN,

CASE NO.: 06-10134-DHW-13

DEBTOR.

**UNSWORN DECLARATION OF KARROLLANNE K. CAYCE  
IN SUPPORT OF RESPONSE TO DEBTOR'S OBJECTION TO PROOF OF CLAIM**

Karrollanne K. Cayce hereby declares as follows:

1. I am an attorney admitted to practice in the State of Georgia and employed by the law firm of McCalla, Raymer, Padrick, Cobb, Nichols & Clark, LLC ("McCalla"). McCalla is a law firm based in Atlanta, Georgia, specializing in representing mortgage lenders in bankruptcy and loss mitigation matters on a national scale. We represent many of the large mortgage servicers and owners, including the Federal National Mortgage Association ("Fannie Mae") and the Federal Home Loan Mortgage Corporation. McCalla is one of three firms designated by Fannie Mae as national bankruptcy counsel to assist and advise Fannie Mae's clients with respect to loans in bankruptcy or which are otherwise in default, such as Countrywide Home Loans, Inc. ("CHL") loan with Beverly Jensen, where Fannie Mae is the underlying investor.

**A. McCalla's General Practice in Bankruptcy Cases**

2. McCalla's legal advice and representation in connection with bankruptcy cases such as this one includes: review of loan documents and other financial information provided by its client; review of any plan and schedules filed by debtors with the bankruptcy court; communication with debtors' counsel to determine status of loans as well as the debtors' financial status to evaluate and determine availability of "loss mitigation" options for the debtors

(e.g., loan modification, discounted pay off of principal, deed in lieu of foreclosure, or other repayment agreement); regular communication with McCalla's clients in respect of case status and progress of any loss mitigation efforts; regular communication with debtors' counsel in respect of the pending bankruptcy case; and general monitoring of case status during the pendency of the bankruptcy.

3. McCalla generally prepares and files a Request for Service of Notice in each bankruptcy case in which it is retained to assist its client to monitor case status. McCalla has a network of approved local counsel to engage in any given specific jurisdiction once a formal entry of appearance is required. This would include circumstances where the client must file a relief from stay motion or other pleading with the bankruptcy court, including an objection to a chapter 13 plan or responding to a claim objection.

4. McCalla will also review financial information and loan documentation provided by its client and assist it in connection with the preparation and filing of a proof of claim as the authorized agent for its client.

#### **B. McCalla's Role in the Instant Case**

5. On March 15, 2006, McCalla was retained by CHL in the instant bankruptcy case. On April 14, 2006, McCalla filed a proof of claim as authorized agent for CHL asserting a secured claim in the amount of \$38,672.09. I signed the claim on behalf of CHL. A copy of the claim is attached as Exhibit 1. The proof of claim further reflects that the debtor was in arrears for one month of pre-petition payments, plus unpaid late charges totaling \$538.97.

6. The claim also asserts amounts incurred by CHL post-petition in the amount of \$350 for post-petition legal services performed by McCalla. As set forth in the Proof of Claim, included in this fee are services provided by McCalla for: "file set up; obtain [ing] case information; attorney review of loan information, dockets and schedules; preparation and filing

of notice of appearance; loss mitigation, solicitation and review; preparation and filing of Proof of Claim; review and analysis of bankruptcy plan., [sic]; notification of claim filing to debtor's counsel, trustee and claimant." The claim further provides that "if additional fees and costs are incurred after this Proof of Claim is filed, your account will be assessed those fees and costs legally permissible in the opinion of the lender."

7. McCalla believes that its representation of its clients on a national scale provides it economies of scale, enabling it to charge its client a relatively smaller fee for the work it does as compared with its competitors. Specifically, McCalla typically charges its clients a flat fee for all services related to a bankruptcy case from cradle to grave. McCalla believes that this provides the most cost-efficient services to a client in respect to numerous bankruptcy cases.

8. If it were to itemize the time incurred in connection with this case, at its normal hourly rate, the value of the time spent by McCalla for this case would exceed the flat fee which it charged CHL for all services provided in this case. An itemization of the time spent in this case by McCalla Raymer is as follows:

<b>Date</b>	<b>Paralegal Activity</b>	<b>Time</b>
3/15/2006	File setup and acknowledged receipt of referral from CHL	.30
3/15/2006	Obtain case information, pull and review docket	.20
3/15/2006	Request to client for loan documents and retrieval of loan payment and status screens	.20
4/11/2006		
3/20/2006	Preparation of Request for Service of Notices for attorney review and for signature	.20
4/12/2006	Review of loan payment and status screens and preparation of Proof of Claim	.50

4/14/2006	Update to client per attorney review to advise of content of Chapter 13 Plan and Proof of Claim	.20
4/14/2006	Filing of Proof of Claim via ECF	.20
4/14/2006	Notification of claim filing to debtor's counsel, Trustee and Claimant (no charge)	.00
4/14/2006	Prepare and mail letter to client with copy of Proof of Claim	.20

2.0 X \$90.00/hour = \$180.00

Date	Attorney Activity	Time
3/15/2006	Review of referral, loan documents, loan status screen prints and pacer for the case	.40
3/20/2006	Review of Request for Service of Notices, review of equity in property, prior loan payment performance and budget feasibility	.30
3/20/2006	Request for Service of Notices letter signed by attorney (no charge)	.00
4/12/2006	Review and analysis of Chapter 13 Plan and Schedules to assess disposable income and Debtor's intentions	.10
4/12/2006	Review of worksheet, Proof of Claim and signing of Proof of Claim	.20
4/12/2006	Review letter to client with copy of Proof of Claim	.10

1.10 X \$350.00/hour = \$385.00

**TOTAL:** \$565.00

9. Accordingly, McCalla believes that the attorney's fees included in this Proof of Claim were reasonable in light of the actual time incurred by McCalla in connection with this matter.

I hereby declare under penalty of perjury that the foregoing is true and correct.

  
Karrollanne K. Cayce

Dated: November 20, 2006