

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
RALEIGH DIVISION

In re:

Jimmy Britt

S.S. xxx-xx-3376

Mailing Address: 616 Wimberly Road Apex, NC 27523-

Case No. 05-01696-5-ATS

Chapter 13

Debtor.

**APPLICATION TO INCUR DEBT
(For The Purpose of Purchasing or Leasing a Motor Vehicle)**

NOW COMES the Debtor, by and through counsel undersigned, and in accordance with Local Bankruptcy Rule 4002-1(f)(4), EDNC, who hereby applies for permission to incur debt for the purpose of procuring a motor vehicle, and in support hereof, the following is alleged:

1. The Debtor filed a petition for relief under Chapter 13 of the Bankruptcy Code on April 27, 2005.

2. The Debtor requires another motor vehicle for the following reason:

The Debtor previously petitioned for permission to purchase a vehicle but after gaining approval, the proposed financing agent declined the loan. He has since found financing, this time that is assured, and wishes to move forward with finalizing the purchase.

3. The Debtor has reason to believe that dependable transportation can be obtained for no more than \$500.00 per month (exclusive of the cost of insurance).

4. The Debtor can afford the said cost of another vehicle based on the following:

At the time of the filing, the Debtor's Chapter 13 budget included a prospective allowance for the expected need to purchase a vehicle in the amount of \$ 400.00. As a Debtor in a currently pending Chapter 13 plan, the Debtor has only been able to secure financing at a rate of \$ 500.00 per month however. This amount will be reached by sacrificing the \$ 100.00 total previously dedicated to entertainment and personal grooming expenses.

5. By reason of the foregoing, the Debtor believes that this new expense will not operate a hardship upon him, and that the new expense will it hinder his ability to complete his Chapter 13 plan.

6. It is therefore in the best interest of the bankruptcy estate to allow the Debtor to purchase or lease, and finance, another motor vehicle, inasmuch as transportation to and from work, and elsewhere, must be deemed necessary for his performance under this Chapter 13 plan.

7. Attorney for the Debtor further applies herein, with the knowledge, consent and approval of the Debtor and in accordance with Bankruptcy Rule 2016(b) and Local Rule 2016-1(a)(4), for approval of an attorney fee in the amount of \$200.00 for the reasonable value of the services rendered

in processing this Application To Incur Debt. The amount applied for is the "presumptive" amount set forth in said Local Rule. Said attorney has provided the Debtor with a copy of said Local Rule.

WHEREFORE, the Debtor respectfully prays that this Court authorize him to incur debt for the purpose of purchasing or leasing a motor vehicle, and approve an additional attorney fee in the amount of \$200.00, to be paid by the Chapter 13 Trustee as an administrative expense.

Dated: July 6, 2006

LAW OFFICES OF JOHN T. ORCUTT, P.C.

s/ John T. Orcutt
John T. Orcutt
6616-203 Six Forks Road
Raleigh, N.C. 27615
(919) 847-9750

CERTIFICATE OF SERVICE

I, Will Gibbs, of the Law Offices of John T. Orcutt, P.C., do hereby certify, under penalty of perjury, that I am, and at all times hereinafter mentioned was, more than eighteen (18) years of age; and that on this day, I served copies of the foregoing **APPLICATION TO INCUR DEBT** (including application for additional attorney fee) and proposed **AUTHORIZATION**, by electronic transmission or regular United States mail, upon the following parties:

Jimmy Britt
616 Wimberly Road
Apex, North Carolina 27523-

John F. Logan
Chapter 13 Trustee

Dated: July 6, 2006

s/ Will Gibbs
Will Gibbs