

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

IN RE: RUBEN E. HINOJOSA,

* CASE NO. 10-70900-M-11

Debtor

* CHAPTER 11 PROCEEDING

**DEBTOR'S APPLICATION TO APPROVE
EMPLOYMENT OF ATTORNEY**

RULE 9013 NOTICE

THIS MOTION SEEKS AN ORDER THAT MAY ADVERSELY AFFECT YOU. IF YOU OPPOSE THE MOTION, YOU SHOULD IMMEDIATELY CONTACT THE MOVING PARTY TO RESOLVE THE DISPUTE. IF YOU AND THE MOVING PARTY CANNOT AGREE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY. YOU MUST FILE AND SERVE YOUR RESPONSE WITHIN 21 DAYS OF THE DATE THIS WAS SERVED ON YOU. YOUR RESPONSE MUST STATE WHY THE MOTION SHOULD NOT BE GRANTED. IF YOU DO NOT FILE A TIMELY RESPONSE, THE RELIEF MAY BE GRANTED WITHOUT FURTHER NOTICE TO YOU. IF YOU OPPOSE THE MOTION AND HAVE NOT REACHED AN AGREEMENT, YOU MUST ATTEND THE HEARING, UNLESS THE PARTIES AGREE OTHERWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE MOTION AT THE HEARING.

REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEYS.

TO THE HONORABLE BANKRUPTCY JUDGE:

RUBEN E. HINOJOSA, Debtor, files this Application to Approve Employment of Attorney and would show the Court the following:

1. On December 18, 2010 debtor filed a voluntary petition under chapter 11 of the Bankruptcy Code. Debtor is acting as Debtor in Possession.
2. Debtor wishes to employ Eduardo V. Rodriguez of Malaise Law Firm, as his attorney.

Ruben E. Hinojosa

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Eduardo V. Rodriguez is duly admitted to practice before this Court.

3. Debtor has requested EDUARDO V. RODRIGUEZ of Malaise Law Firm to represent him in this bankruptcy proceeding for the reason that this attorney has bankruptcy experience and is qualified to represent him in this proceeding.

4. The professional services that EDUARDO V. RODRIGUEZ are to render include:

(a) To give debtor legal advice on powers and duties as Debtor in Possession;

(b) To review or negotiate with any of debtor's creditors;

(c) To prepare any necessary applications, answers, motions, orders, and/or reports, and any other legal documents necessary in this proceeding;

(d) To prepare a disclosure statement and plan of reorganization and any amendments or supplemental documents thereto and represent debtor in all Court hearings and other meetings with respect to case administration; and

(e) To review and assert the avoidance of any mortgage or lien presently of record.

5. To the best of debtor's knowledge, EDUARDO V. RODRIGUEZ and Malaise Law Firm have no connection with any creditors or any party in interest, or with their respective attorneys.

6. Under the terms of employment with EDUARDO V. RODRIGUEZ and Malaise Law Firm the same has agreed to represent Applicant, subject to the approval of the Court, based on time and standard billing charges of \$275.00 per hour for attorney and \$75.00 per hour for his bankruptcy legal assistants. In addition, EDUARDO V. RODRIGUEZ of Malaise Law Firm will seek reimbursement for the following expenses at the rate designated as follows: postage, copies at \$.25 per copy, long distance calls at actual cost, Westlaw expense at the regular charge imputed to attorney by Westlaw, travel time at one-half the hourly rate, and reimbursement of any other expenses paid by Malaise Law Firm in connection with this bankruptcy, including but not limited to delivery charges and filing fees. Application for Attorneys' Fees and Expenses will be made in accordance with Title 11 U.S.C. Sec. 328 and 330, with reasonable compensation for such services to be taxed and paid as cash in this proceeding upon application and approval by this Court. Interim fee applications may be filed every sixty days from the filing date of the preceding application for attorneys' fees and expenses. Any retainer will be held by the attorney in segregated account in trust for the estate with drafts made only after application to and order of the Court. These fees and expenses will be for services rendered commencing on or after December 16, 2010 or for legal services rendered prior to such date in connection with the filing of this

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petition.

7. EDUARDO V. RODRIGUEZ of Malaise Law Firm represents no interest adverse to Applicant as Debtor in Possession, or to the estate, and their employment would be in the best interest of this estate.

8. A copy of the statement under BR 2016(b) required by §329 of the Bankruptcy Code, which was filed with Debtor's Voluntary Petition, is attached as Exhibit "A".

WHEREFORE, debtor prays that this Court approves his Application to Employ EDUARDO V. RODRIGUEZ, of MALAISE LAW FIRM, under the terms specified herein, and grant him any such further relief at law or under equity to which he has shown himself justly entitled to receive.

Respectfully submitted,

By: /s/ Eduardo V. Rodriguez
Eduardo V. Rodriguez
Texas Bar No. 00795621
Federal I.D. NO. 19945
MALAISE LAW FIRM
1265 North Expressway 83
Brownsville, Texas 78520
956-547-9638 Voice
956-547-9630 Fax
Email: evr@malaiselawfirm.com
Attorney for Debtor In Possession

Agreed:

/s/ Ruben E. Hinojosa
Ruben E. Hinojosa

Certificate of Service

I hereby certify that on December 21, 2010 a copy of Debtor's Application to Approve Employment of Attorney was forwarded to the following parties by first class mail:

Ruben E. Hinojosa
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United States Trustee
Barbara Jue
Wilson Plaza, Ste. 1107
606 N. Carancahua
Corpus Christi, Texas 78476

Ruben E. Hinojosa
6700 Melrose Drive
McLean Va 22101

and to all of the creditors on the attached matrix

/s/ Eduardo V. Rodriguez
Eduardo V. Rodriguez

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IN RE: RUBEN E. HINOJOSA, * CASE NO. 10-70900-M--11
Debtor * CHAPTER 11 PROCEEDING

STATE OF TEXAS §
COUNTY OF CAMERON §

COMES NOW EDUARDO V. RODRIGUEZ, and, having duly sworn upon his oath, deposes and states as follows:

"I am an attorney practicing in Brownsville, Texas. I maintain an office at 1265 North Expressway 83, Brownsville, Texas 78521 and I am duly licensed to practice before this Honorable Court. I and MALAISE LAW FIRM, do not have any business or professional connections with the debtor herein or its creditors, and I know of nothing which would prevent me or the firm from faithfully discharging the duties of counsel for the debtors in possession herein. I believe that I am a disinterested party within the meaning of the Bankruptcy Code."

Further AFFIANT SAYETH naught.

/s/ Eduardo V. Rodriguez
Eduardo V. Rodriguez

SUBSCRIBED AND SWORN TO before me, the undersigned authority, on December 18, 2010, to certify which witness my hand and official seal.

(Seal)

/s/ Norma Jean Chavez
Notary Public for the State of Texas
Commission expires: 12-1-2012

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UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

IN RE: Ruben E. Hinojosa

CASE NO 10-70900-M-11

CHAPTER 11

DISCLOSURE OF COMPENSATION OF ATTORNEY FOR DEBTOR

1. Pursuant to 11 U.S.C. § 329(a) and Fed. Bankr. P. 2016(b), I certify that I am the attorney for the above-named debtor(s) and that compensation paid to me within one year before the filing of the petition in bankruptcy, or agreed to be paid to me, for services rendered or to be rendered on behalf of the debtor(s) in contemplation of or in connection with the bankruptcy case is as follows:

For legal services, I have agreed to accept:

Fixed Fee: *Hourly fees and expenses as approved by the Court*
 \$0.00
 \$0.00

Prior to the filing of this statement I have received:

Balance Due:

2. The source of the compensation paid to me was:

- Debtor Other (specify)

3. The source of compensation to be paid to me is:

- Debtor Other (specify)

4. I have not agreed to share the above-disclosed compensation with any other person unless they are members and associates of my law firm.

I have agreed to share the above-disclosed compensation with another person or persons who are not members or associates of my law firm. A copy of the agreement, together with a list of the names of the people sharing in the compensation, is attached.

5. In return for the above-disclosed fee, I have agreed to render legal service for all aspects of the bankruptcy case, including:
a. Analysis of the debtor's financial situation, and rendering advice to the debtor in determining whether to file a petition in bankruptcy;
b. Preparation and filing of any petition, schedules, statements of affairs and plan which may be required;
c. Representation of the debtor at the meeting of creditors and confirmation hearing, and any adjourned hearings thereof;

6. By agreement with the debtor(s), the above-disclosed fee does not include the following services:

CERTIFICATION

I certify that the foregoing is a complete statement of any agreement or arrangement for payment to me for representation of the debtor(s) in this bankruptcy proceeding.

12/17/2010

Date

/s/ EDUARDO V. RODRIGUEZ

EDUARDO V. RODRIGUEZ

Malaise Law Firm

1265 N. Expressway 83

Brownsville, TX 78520

Phone: (956) 547-9638 / Fax: (956) 547-9630

Bar No. 00795621

Ruben E. Hinojosa
/s/ Ruben E. Hinojosa

Ruben E. Hinojosa

"A"

Debtor(s): Ruben E. Hinojosa

Case No: 10-70900-M-11

Chapter: 11

SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

Bill Ellis
ELLIS, KOENEKE & RAMIREZ, ATTORNE
1101 Chicago
McAllen, TX 78501

Corporation Service Company
dba CSC Lawyers Incorporating Service Co
211 E. 7th Street, Suite 670
Austin, TX 78701-3218

Felix Vasquez
408 Wickham Lane
Southlake, TX 76092

Hidalgo County Tax Office
P.O. Box 178
Edinburg, TX 78539

Long and Foster Real Estate, Inc.
14501 George Carter Way
Chantilly, VA 20151

Rex N. Leach
Atlas & Hall
P.O. Box 3725
McAllen, TX 78502

Victor Carrera, Attorney
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1000 Louisiana
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