

FILED

FEB 21 2003

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
RALEIGH DIVISION

PEGGY B. DEANS, CLERK  
U.S. BANKRUPTCY COURT  
EASTERN DISTRICT OF N.C.

IN RE: SPECTRASITE HOLDINGS, INC.,  
Debtor.

CHAPTER 11  
CASE NO.: 02-03631-5-ATS

APPLICATION BY EXAMINER  
FOR ALLOWANCE OF COMPENSATION AND REIMBURSEMENT OF EXPENSES

NOW COME David W. Boone and the law firm of Burns, Day & Presnell, P.A., and respectfully apply to the Court for an Order, after notice and hearing, authorizing and approving the payment of compensation and reimbursement of expenses as requested herein. In support of this Application, the undersigned shows unto the Court as follows:

1. David W. Boone was appointed Examiner in the above-entitled case pursuant to an Order entered by this Court on January 8, 2003. The Examiner was directed to file a Preliminary Report on or before January 13, 2003, and was subsequently directed to file a Final Report on or about January 24, 2003. Because of the expedited nature of the task, the Examiner requested that Ms. Julia M. Young, an associate in the law firm of Burns, Day & Presnell, P.A., assist him in some preliminary research and final editing of the Final Report.

2. The undersigned attorney makes this Application in his representative capacity for all professional persons within his firm who have provided services to the Debtor in connection with this case and seeks allowance of reasonable compensation for services rendered as an allowed cost of administration claim in this case, and for reimbursement of necessary costs and expenses incurred in this case.

3. The undersigned attorney represents to the Court that all professional persons who provided services are duly qualified to render services. A biographical summary of each person who has provided service in this case is attached as Exhibit "B" hereto for further reference. The summary supports court allowance of the hourly rates requested herein.

4. The Examiner filed his Final Report on January 24, 2003 and the Plan of Reorganization of the Debtor was confirmed by the Court on January 28, 2003. The Applicant herein believes that this Application for

Allowance of Compensation is timely.

5. The undersigned attorney, and other members of the firm of Burns, Day & Presnell, P.A. have performed necessary services in connection with the matters required to be performed pursuant to the Court's Order of January 8, 2003. A detailed description of the legal services rendered, including time spent and the date of rendering, is attached to this Application as Exhibit "A" and incorporated herein by reference. Exhibit "A" also includes a listing of the reasonable and necessary costs and expenses which have been incurred by the undersigned attorney and disbursed in this case, including the date and nature of expenses, costs or disbursements.

6. The undersigned attorney seeks payment of reasonable compensation as an allowance for services rendered from January 7, 2003 through January 31, 2003 in the amount of \$18,710.50.

7. The total expenses incurred by your applicant which are compensable from January 7, 2003 through January 31, 2003 total \$113.20.

8. After the filing of the petition commencing this case, no beneficial interest, direct or indirect, or any claims against the Debtor have been acquired or transferred by or on behalf of the firm. No payments have been made or promised to the undersigned attorney for services rendered or to be rendered in connection with this case. No agreement or understanding exists between the undersigned attorney and any other person for the sharing of compensation to be received except as authorized by the Bankruptcy Code and Rules and agreement among members of the firm.

9. No previous allowance of compensation for services rendered or reimbursement of costs and expenses has been made to the firm or any other attorney for the particular services and costs set out in Exhibit "A".

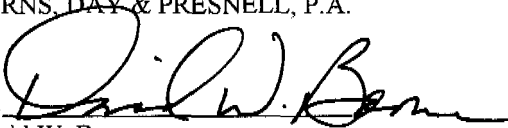
10. Applicant respectfully requests that any amounts allowed as compensation and reimbursement of expenses be a cost of administration in this case.

WHEREFORE, David W. Boone and the firm of Burns, Day & Presnell, P.A., request an allowance of compensation in the amount of \$18,710.50 from January 7, 2003 through January 31, 2003. Furthermore, your applicant requests that he be allowed reimbursement of necessary costs and expenses incurred in this case in the amount

of \$113.20 for the period of this application and that all amounts allowed hereunder be a cost of administration to be paid in accordance with the terms of the confirmed Plan of Reorganization.

This the 21 day of February, 2003.

BURNS, DAY & PRESNELL, P.A.

By:   
David W. Boone  
North Carolina State Bar No. 8648  
Chapter 11 Examiner  
P.O. Box 10867  
Raleigh, North Carolina 27605  
Tel.: 919-782-1441

02/19/2003

**BURNS, DAY & PRESNELL**  
Attorneys at Law

SPECTRASITE HOLDINGS, INC.

\*\*\* Memo Invoice \*\*\*  
Account #: 1056  
Case #: 03-7000  
As of Date: 02/17/2003  
Last Billed: / /

Active/Billable

<b>PROFESSIONAL SERVICES RENDERED</b>				
DATE	TKPR	DESCRIPTION OF SERVICES RENDERED	TIME	AMOUNT
01/07/2003	DWB	Telephone conference with Margie Lynch; Conducted conflicts review re: appointment	.20	45.00
01/07/2003	DWB	Reviewed Plan Provisions	.80	180.00
01/07/2003	DWB	Conferred with attorneys for mouants' and reviewed Memorandum	1.50	337.50
01/09/2003	DWB	Conferred with attorneys for debtor and unsecured creditors' committee	.60	135.00
01/09/2003	DWB	Review disclosure statement and exhibits	3.00	675.00
01/10/2003	DWB	Review of 10-K's, 10-Q's, Disclosure Statement and formulation of issues	3.00	675.00
01/10/2003	DWB	Prepared report draft and faxed to attorneys for debtor and mouants	2.00	450.00
01/12/2003	DWB	Continued review of disclosure statement, 10-K and 10-Q	1.00	225.00
01/13/2003	DWB	Appeared for hearing; Met with attorneys for debtor and interested parties	2.00	450.00
01/13/2003	DWB	Reviewed schedules and research on company; Research on compensation issue	4.00	900.00
01/14/2003	JMY	Research re: management's responsibilities to shareholders in bankruptcy	.50	70.00
01/14/2003	DWB	Began draft of report; Background research on company, executive compensation and financial analysis	6.00	1,350.00
01/15/2003	JMY	Researched issues regarding warrants	.40	56.00
01/15/2003	DWB	Met with Terri Gardner, Ernst & Young, Stephen Clark and David Tomick; Reviewed and summarized notes	4.50	1,012.50
01/15/2003	DWB	Reviewed supplement to Plan; Reviewed notes and exhibits	3.00	675.00



01/16/2003	DWB	Met with attorneys for debtor, Lazard and Houlihan representatives	5.00	1,125.00
01/16/2003	DWB	Reviewed documents regarding WestTower and SBC transactions	3.00	675.00
01/17/2003	DWB	Began draft of Final Report	6.00	1,350.00
01/20/2003	DWB	Continued Review of information provided by Committee and Cingular Wireless; Continued Draft of Final Report	7.00	1,575.00
01/21/2003	JMY	Research re: compensation rates of CEOs, management duties to shareholders	.30	42.00
01/21/2003	DWB	Continued preparation of Final Report	6.00	1,350.00
01/22/2003	DWB	Continued draft of Final Report	6.50	1,462.50
01/23/2003	DWB	Continued draft of Final Report	7.00	1,575.00
01/24/2003	JMY	Reviewed and revised Final Report of Examiner	.50	70.00
01/24/2003	DWB	Completed Final Report of Examiner	6.00	1,350.00
01/28/2003	DWB	Appeared for hearing on confirmation of plan	2.00	450.00
02/14/2003	DWB	Prepared Fee Application and Notice	2.00	450.00
<b>TOTAL SERVICES RENDERED:</b>			<u>83.80</u>	<u>\$18,710.50</u>

**TIMEKEEPER SUMMARY:**

DWB	- David W. Boone	82.10 HRS @ \$ 225.00/HR =	18,472.50
JMY	- Julia M. Young	1.70 HRS @ \$ 140.00/HR =	238.00
<b>Totals</b>		<u>83.80</u>	<u>\$18,710.50</u>

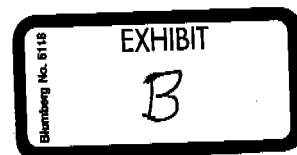
01/07/2003	PHOTOCOPY CHARGES	16.60
01/08/2003	TELEPHONE CHARGES	10.00
01/10/2003	PHOTOCOPY CHARGES	6.00
01/10/2003	TELEPHONE CHARGES	8.00
01/24/2003	PHOTOCOPY CHARGES	57.60
02/17/2003	PHOTOCOPY CHARGES	15.00
<b>TOTAL COSTS ADVANCED:</b>		<u>\$113.20</u>

**JULIA M. YOUNG** was born in Whiteville, North Carolina on November 12, 1973. She was admitted to practice in the State Courts of North Carolina and the U.S. District Court for the Eastern District of North Carolina in 2000.

Ms. Young is a member of the American and North Carolina Bar Associations, the North Carolina Academy of Trial Lawyers, the North Carolina Association of Women Attorneys, and the State Bar of North Carolina. Ms. Young graduated from North Carolina State University in 1996 and received her J.D. from Campbell University School of Law in 2000.

Ms. Young has been an active volunteer and wishgranter with the Make-A-Wish Foundation of Eastern North Carolina since 1998. She also serves regularly as a volunteer judge and mentor attorney to the Capital Area Teen Court.

Ms. Young's primary emphasis is in the areas of construction law and commercial litigation.



**DAVID W. BOONE** was born in Raleigh, North Carolina on July 19, 1953. He was admitted to the North Carolina Bar in 1979 and later was admitted to practice in the United States District Court, Eastern, Middle and Western Districts of North Carolina and the United States Court of Appeals for the Fourth Circuit.

Mr. Boone graduated from East Carolina University in 1974 in History, and his undergraduate degree included an academic year of study in Bonn, Germany in 1972-'73. He received an M.A. degree from East Carolina University in 1976 in Political Science and was a graduate assistant for two years to Dr. J.G. Kim, retired dean of the law school at Yonsei University in Seoul, South Korea. Mr. Boone graduated from the law school at Wake Forest University in 1979 where he was Chief Justice of the Moot Court Board and a member of the Order of Barristers. Mr. Boone is a member of the Advisory Board of the Autism Foundation of North Carolina and president of the Owner Corporation of the Autism Society of North Carolina which builds supervised housing for autistic people. He is a member of the Wake County and North Carolina Bar Associations and is a past member of the Bankruptcy Law and International Law sections of the North Carolina Bar Association. He is a past member of the Bankruptcy Council of the North Carolina Bar Association.

Mr. Boone's practice is concentrated in the area of business reorganizations, workouts and business bankruptcies.

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NOTICE OF APPLICATION BY EXAMINER FOR ALLOWANCE OF  
COMPENSATION AND REIMBURSEMENT OF EXPENSES

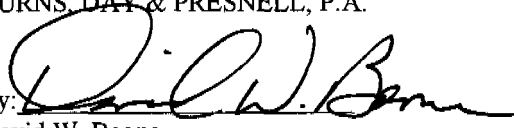
NOTICE IS HEREBY GIVEN that the following Court-appointed professional has filed an Application for Compensation and Reimbursement of Expenses as follows:

David W. Boone, Chapter 11 Examiner and his law firm, Burns, Day & Presnell, P.A., have filed an Application for Compensation in the amount of \$18,710.50 and Reimbursement of Expenses totaling \$113.20, for the period from January 7, 2003 through January 31, 2003.

FURTHER NOTICE IS HEREBY GIVEN that the Application for Allowance of Compensation and Reimbursement of Expenses filed by David W. Boone of Burns, Day & Presnell, P.A., may be allowed, providing no objections by parties in interest are filed with this Court in writing and no request for a hearing is made within twenty (20) days of the date of this Notice. If objections are filed by a party in interest and a hearing is requested, the hearing will be held on said objection at a date, time and place to be set by the Court, and the attorney for the Debtor and the objecting parties will be notified accordingly. If no request for a hearing is made within the time indicated above, the Application may be approved by this Court, ex parte, without any further notice.

This the 21 day of February 2003.

BURNS, DAY & PRESNELL, P.A.

By:   
David W. Boone  
North Carolina State Bar No. 8648  
Chapter 11 Examiner  
P.O. Box 10867  
Raleigh, North Carolina 27605  
Tel.: 919-782-1441



