

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
RALEIGH DIVISION

FILED

In re:) Chapter 11
)
SPECTRASITE HOLDINGS, INC.,) Case No. 02-03631-5
)
)
)
Debtor.)

APR 10 2003
PEGGY B. DEANS, CLERK
U.S. BANKRUPTCY COURT
EASTERN DISTRICT OF N.C.

**ORDER ALLOWING FINAL APPLICATION OF POYNER & SPRUILL, LLP
FOR COMPENSATION AND REIMBURSEMENT OF EXPENSES**

THIS MATTER came on before the undersigned Bankruptcy Judge upon the application of Poyner & Spruill LLP (“P&S” or the “Applicant”) attorney for SpectraSite Holdings, Inc. (the “Debtor”), debtor-in-possession in the above-captioned case, for entry of an order allowing interim and final compensation and reimbursement of expenses for services rendered by the Applicant in connection with its representation of the Debtor for the period from January 1, 2003 through March 10, 2003. In support of this Application, your Applicant respectfully represents:

1. The Debtor filed for chapter 11 relief on November 15, 2002. The Debtor continues in possession of its property and continues to manage its affairs as a debtor-in-possession.

2. On November 21, 2002, the Bankruptcy Court entered an order authorizing the appointment of P&S as counsel for the Debtor.

3. P&S submitted its Application pursuant to sections 330 and 331 of title 11 of the United States Code, 11 U.S.C. §§ 101 et seq. (the “Bankruptcy Code”), Rule 2016(a) of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), the Procedures for Preparing and Submitting Applications for Compensation by Professionals by the Office of the United States Bankruptcy Administrator for the Eastern District of North Carolina (the “Local

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Procedures”), and the Order Pursuant to Sections 105 and 331 of the Bankruptcy Code Establishing Procedures for Interim Compensation and Reimbursement of Expenses of Professionals entered November 21, 2002 (the “Administrative Order”).

4. P&S seeks approval of interim and final fees and expenses pursuant to sections 330 and 331 of the Bankruptcy Code. Section 330 of the Bankruptcy Code provides that persons employed by an estate are entitled to:

(a) reasonable compensation for actual, necessary services rendered by such trustee, examiner, professional person, or attorney, as the case may be, and by any paraprofessional person employed by such trustee, professional person, or attorney, as the case may be, based on the nature, the extent, and the value of such services, the time spent on such services, and the cost of comparable services other than in a case under this title; and

(b) reimbursement for actual, necessary expenses.

11 U.S.C. § 330.

5. During this Application period, P&S provided approximately 129.40 hours of legal and paralegal services at an average hourly rate of approximately \$208.00 for a total amount of fees of \$26,953.50. For this same period, P&S incurred \$12,242.22 in expenses. It is the normal and customary practice of the law firm of P&S to charge in lieu of the voluminous and costly itemization of expenses an administrative charge in the amount of \$7.50 per hour of billable time recorded by attorneys and paralegals to cover, among other things, all long distance telephone calls, normal copying costs and ordinary postage. Extra-ordinary expenses for reimbursement of mileage, lodging, meals, legal research charges, bulk copies, Federal Express charges and bulk postage are charged in addition to the administrative charge and were itemized on Exhibit B to the Application.

6. P&S submits that the amount reflecting the total time actually spent by P&S in providing services to the Debtor, and the costs incurred by P&S in providing such services, should be approved as constituting reasonable compensation for the services actually rendered and reimbursement for costs incurred in connection with the Debtor's bankruptcy case.

7. The members of P&S have experience in the area of bankruptcy and corporate reorganization. A summary of the background and qualifications of the attorneys and professional staff rendering legal and paralegal services in this case was attached to as Exhibit A to the Application.

8. Exhibit B to the Application provided a detailed summary of the services rendered by P&S recorded during the period from January 1, 2003 through March 10, 2003. The Exhibit reflected services rendered by each attorney and paralegal who provided services during the applicable period and the time spent and the fee charged for such services, billed at the attorney's or paralegal's hourly rate. Exhibit B also provided a summary of the costs incurred by P&S.

11. No agreement or understanding exists between P&S and any other entity for the sharing of compensation to be received for services rendered in or in connection with the case, except as authorized by the Bankruptcy Code and by agreement among the members of the law firm of P&S.

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

13. Prior to the filing of the chapter 11, P&S was paid a retainer of \$100,000.00. A total of \$26,026.05 was applied to pay pre-petition fees and expenses. By Order entered on February 6, 2003 P&S was allowed interim compensation of \$24,822.50 and reimbursement of expenses in the amount of \$5,206.36, which fees and expenses subject to a 20% holdback, have

been paid from the retainer being held in trust by P&S for application of court approved fees and expenses.

14. P&S seeks the entry of an order approving compensation for the period January 1, 2003 through March 10, 2003 and approving as final compensation all previously allowed interim compensation and expenses; now, therefore

IT IS ORDERED that Poyner & Spruill, LLP is hereby allowed interim and final compensation in the amount of \$26,953.50 and reimbursement of expenses in the amount of \$12,242.22 for the period January 1, 2003 through March 10, 2003.

IT IS FURTHER ORDERED that all previously allowed interim compensation and expenses totaling \$30,028.26 is hereby allowed as final compensation.

DATED: APR 10 2003



JUDGE, UNITED STATES BANKRUPTCY COURT