

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
WESTERN DIVISION**

IN RE:)	
)	Case No.: 12-72368-CMS
Cindy Swindle Howard)	
John M. Howard)	CHAPTER 13
Debtors,)	
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)	
Cindy Swindle Howard)	
)	ADVERSARY PROCEEDING
Plaintiffs,)	
)	NO.: 13-70017-CMS
The Mortgage Law Group, LLP)	
)	
Defendants,)	

**APPLICATION FOR APPROVAL OF PROPOSED SETTLEMENT
AND DISTRIBUTION OF PROCEEDS**

COMES NOW the Plaintiff/Debtor Cindy Swindle Howard, by and through her attorney, and moves this Honorable Court to approve a proposed settlement of this adversary proceeding and distribution of settlement proceeds as set forth below. As grounds therefore, Plaintiff would show unto the Court the following:

1. This is an action that first accrued pre-petition seeking damages for violating the automatic stay, the Alabama Deceptive Trade Practices Act, the Debt Relief Agency Provision of the Bankruptcy Code, breach of contract and violations of Alabama tort law and breach of fiduciary duties. The Plaintiff sought damages and attorneys fees in the filing of this action from the Defendant.
2. Plaintiff's counsel handled this matter on a contingent fee basis and there were no out-of-pocket expenses incurred by the Plaintiffs.
3. Plaintiff and Defendant have agreed to settle all issues for the sum of \$7,500.00. This action accrued pre-petition and counsel for the Plaintiff/Debtor respectfully seeks the Court's approval of the settlement, from which the Plaintiff/Debtor propose distribution as follows:
 - A. Payment to the Plaintiff/Debtor, Cindy Swindle Howard, in the amount of \$3,750.00. Ms. Swindle claimed up to \$4,710.00 of the proceeds recoverable from this cause of action to be exempt on Schedule C of her bankruptcy petition.
 - B. Payment for attorneys fees and costs in the amount of \$3,750.00 to counsel, Bond, Botes, Reese & Shinn, P.C.

4. The Plaintiff/Debtor further stipulates that this action may be dismissed with prejudice following approval by the court of this proposed settlement.

WHEREFORE, PREMISES CONSIDERED, the Plaintiff/Debtor and counsel move this Honorable Court to approve the proposed settlement and distribution as set forth above, and for such other relief as may be just and proper.

Respectfully submitted,

/s/ Bradford W. Botes

Bradford W. Botes, Attorney for Plaintiff
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CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing pleading the following, by depositing a copy of the same in the United States mail properly addressed and first class postage prepaid on this the 27th day of August, 2013.

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All creditors on the mailing matrix

/s/ Bradford W. Botes

Bradford W. Botes