

IN THE UNITED STATE BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA

**FILED**

JUN 22 1998

GRANT PRICE  
CLERK, U.S. BANKRUPTCY COURT  
WESTERN DISTRICT OF OKLAHOMA  
BY: \_\_\_\_\_, DEPUTY

IN RE:

QUALICARE, INC.,

Debtor.

)  
)  
) 97-16891 BH  
) Chapter 7

TRUSTEE APPLICATION/MOTION FOR ORDER TO  
ALLOW PAYMENT OF ONGOING RENT EXPENSE AND FOR  
REIMBURSEMENT OF JUNE 1998 RENT

COMES NOW, Lyle R. Nelson, duly appointed Trustee herein, and hereby requests that this Court issue its Order authorizing the Trustee to pay, as a month to month, ongoing expense, rent for the purposes of storing certain records of the Estate. In support of its request, the Trustee would state as follows:

1. The Debtor was primarily involved in the providing of home health care as authorized by Medicaid/Medicare regulations. The vast majority, though not all of the Debtors services were to be reimbursed by Medicaid/Medicare. The Debtor did perform some private insurance reimbursable services.
2. The Trustee has been inundated with investigatory subpoena's by the U.S. Attorney's office, the FBI, and requests have been orally made by the Department of Housing and Urban Development, the Oklahoma State Employment Commission, Palmetto Benefits Administrator, the Security and Exchange Commission, the U.S. Department of Labor and others to examine the records of this debtor. All of this was never anticipated by the Trustee when the case was filed.
3. To date, three (3) subpoena's have been served on the Trustee by the FBI. In complying with one subpoena to date, the Trustee has been required to incur, on behalf of the estate, additional costs not originally contemplated.
4. Specifically, the auditors for the estate HCBS, had, as part of the agreement negotiated by the Trustee, agreed to store the records, which are considerable.

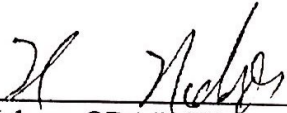
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considerable, when this is a reasonable, ongoing monthly expense. It would be more cost effective for the estate, and hence would benefit the unsecured creditors, if the Trustee could simply pay this rent expense month by month.

12. In order to allow any parties in interest the opportunity to respond, the Trustee has requested, and included a provision in the proposed Order which allows any party in interest the opportunity to object to the payment of the rent, if such objection is filed within 10 days of the date the order is received. The Trustee believes that this adequately protects the interests of creditors in that again, the monthly amount is less than is required for a notice and hearing.

WHEREFORE, premises considered, the Trustee respectfully requests that this Court issue its Order allowing the Trustee to pay monthly rent in the sum of \$183.38 per month; to reimburse counsel for the Trustee for the June 1, 1998 rent in the sum of \$183.38 and to allow the Trustee to pay such sum, on a monthly basis as an ongoing expense of the estate, without further notice or order, and all subject to a ten day objection/response period on such order.

Respectfully submitted,

  
\_\_\_\_\_  
Lyle R. Nelson, OBA#10914  
Lyle R. Nelson, P.C.  
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204 N. Robinson  
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(405) 232-4021

ATTORNEY FOR TRUSTEE

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this document was mailed to counsel for Debtor, the Debtor, and all parties who have entered an appearance herein as reflected on the attached matrix on June 23, 1998, by regular mail, postage prepaid.

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