

Rule 3022-1

FINAL REPORT/DECREE (CHAPTER 11)

(a) ***Chapter 11 Subchapter V Proceedings.*** Unless extended by the Court, on or before the later of 30 days after the granting of a discharge in a case under Chapter 11 Subchapter V (Small Business Debtor Reorganization), or 30 days after the disposition of all adversary proceedings or contested matters, whichever is later, the debtor's attorney shall file a motion for final decree. This deadline shall apply in both individual and non-individual debtors under Subchapter V.

(b) ***Chapter 11 Non-Subchapter V Proceedings.***

(1) ***Non-Individual Debtors.*** Unless extended by the Court, on or before the later of 30 days after the order of confirmation in a case under Chapter 11, or 30 days after the disposition of all adversary proceedings, contested matters, and objections to claims, the debtor's attorney shall file a certificate of substantial consummation together with a motion for final decree.

(2) ***Individual Debtors.***

(A) ***Administrative Closing.*** After the entry of an order of confirmation and the disposition of all adversary proceedings, contested matters, and objections to claims, individual debtors may file a motion to administratively close the Chapter 11 case. The debtor, any creditor, or any other party in interest may file a motion to reopen an administratively closed case at any time without the necessity of paying a filing fee.

(B) ***Motion to Reopen for Purpose of Obtaining Discharge and Final Decree.*** The debtor may move to reopen the case for the purpose of obtaining a discharge and entry of a final decree after the completion of all payments under the plan, or for the purpose of seeking a hardship discharge. The motion to reopen shall include the total amount of payments made to each creditor under the plan, shall be verified by the debtor, and shall be served upon each creditor.

(C) ***Required Statement Prior to Entry of a Discharge.*** Not later than 60 days after completion of all payments under the confirmed plan, or if applicable, upon the filing of a motion seeking entry of a discharge prior to completion of payments under the plan under 11 U.S.C. § 1141(d)(5), the debtor shall file a statement under the penalty of perjury certifying: (i) whether or not 11 U.S.C. § 522(q)(1) is applicable to the debtor; and (ii) whether there is any proceeding in which the debtor may be found guilty of a felony of the kind described in 11 U.S.C. § 522(q)(1)(A) or liable for a debt of the kind described in 11 U.S.C. § 522(q)(1)(B). Within 14 days of the filing of the certified statement required under this section, any interested party may file and serve a written objection to the statement. Any party who fails to file and serve a written objection in accordance with this section shall be deemed to have consented to entry of the certifying debtor's discharge.

Notes of Advisory Committee

2021 Amendment

This amendment adds new section (a) establishing the deadline for filing a motion for final decree in Subchapter V cases. New section (b)(2)(C) requires individual Chapter 11 debtors seeking a discharge to file a statement certifying under penalty of perjury whether the provisions of 11 U.S.C. § 522(q)(1) are applicable to their case. This amendment also includes an objection procedure pursuant to which any interested party may object to the statement required by section (b)(2)(C) prior to the entry of an order of discharge. This amendment to the rule is effective August 1, 2021.

2019 Amendment

The amendment to section (b)(1) clarifies no filing fee is required for a motion to reopen an administratively closed case. Section (b)(2) is amended to require that individual debtors' motions to reopen administratively closed cases for the purpose of obtaining a discharge include a verified statement of the total amount of payments made under the plan and be served upon creditors. This amendment to the rule is effective July 1, 2019.

2013 Amendment

This amendment permits individual debtors, who, pursuant to 11 U.S.C. § 1141(d)(5), are not eligible to receive a discharge until the debtor has completed all payments under the plan or has obtained a hardship discharge, to obtain an order that administratively closes the case. This amendment to the rule is effective July 1, 2013.

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment to the rule was effective on April 15, 1997.

This rule was formerly Local Rule 3.06(c). The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.