

Motion for Final Decree—Chapter 11

Docketing Event

Bankruptcy > Motions/Applications/Objections > Motion for Final Decree

Negative Notice: Yes

Accompanying Orders: N/A

Code and Rule References:

[11 U.S.C. § 1101\(2\)](#)

[Fed. R. Bankr. P. 3022](#)

[Local Rule 3022-1](#)

Fee: N/A

Applicable Chapters: 11

Implemented: 2/9/2016

Last Revision: 1/23/2018 10:04:15 AM

Description

After entry of an Order Confirming Plan, the debtor should take all necessary actions to consummate the terms of the plan. Once the plan is consummated, non-individual debtors will file a certificate of substantial consummation and a Motion for Final Decree. This indicates the case is ready to close.

Substantial Consummation pursuant to 11 U.S.C. § 1101(2) means:

- Transfer of all or substantially all of the property proposed by the plan to be transferred;
- Assumption by the debtor or by the successor to the debtor under the plan of the business or of the management of all or substantially all of the property dealt with by the plan; and
- Commencement of distribution under the plan.

For individual debtors, the Court allows them to request to have their case administratively closed and later file a Motion to Administratively Reopen the Case to Obtain a Discharge and a Final Decree. Otherwise, the case will remain open until completion of the plan requiring quarterly payments to the United States Trustee. The individual debtor would then file a Motion for Final Decree after completing all payments. No Certificate of Substantial Consummation is required for an individual debtor. For individual debtors, the case will be reviewed for entry of a discharge upon the filing of a Motion for Final Decree.

Parties have 14 days to object to the entry of the final decree.

Filing Checklist

Review the case and the motion to determine if:

- ☐ Whether the debtor is an individual;
- ☐ The case was not administratively closed;
- ☐ The motion is signed;

- ☐ The attorney's name and address are complete and consistent with the filing attorney's name and address in CM/ECF;
- ☐ It is properly served and includes a proper certificate of service;
- ☐ It is filed with Negative Notice;
 - Response period is 14 days (plus an additional three days for service if any party was served by U.S. Mail)
- ☐ It is a non-individual debtor case, a certificate of substantial consummation is filed with the motion;
- ☐ There are no outstanding orders, pending motions, or adversary proceedings.

Forms

[Motion for Entry of Final Decree and Certificate of Substantial Consummation](#)