

B-3022-1
Final Decree in Chapter 11 Cases

(a) Except for a case pending under subchapter V of Chapter 11, unless the confirmed plan or the order of confirmation otherwise provides, an estate under Chapter 11 may be deemed to be fully administered when:

(1) at least one hundred eighty (180) days have passed after the date of the entry of the order of confirmation;

(2) all adversary proceedings, contested matters and other disputes, including appeals, have been resolved by a final, nonappealable order or dismissed; and

(3) no paper has been filed in the case for at least sixty (60) days.

(b) In a case pending under subchapter V of Chapter 11, the estate may be deemed to be fully administered when:

(1) the services of the trustee have terminated;

(2) all adversary proceedings, contested matters and other disputes, including appeals, have been resolved by a final, nonappealable order or dismissed; and

(3) no paper has been filed in the case for at least sixty (60) days.

(c) The court may, on its own motion and without notice or hearing, enter a final decree and close a case under Chapter 11 when the estate is deemed to be fully administered.

(d) Upon the motion of a party in interest, following notice to creditors, the court may enter a final decree and close a case under Chapter 11, without a hearing, in the absence of an objection thereto.

Commentary (1994)

Bankruptcy Rule 3022 authorizes the entry of a final decree closing a case under Chapter 11, on the court's own motion or the motion of a party in interest, when the estate has been "fully administered." This rule identifies the point in time when the court will act on its own initiative and establishes a notice and opportunity to object procedure when a party in interest seeks a final decree.

HISTORICAL AND REGULATORY NOTES

This rule was amended pursuant to Order Adopting Interim Bankruptcy Rules and Amending Local Bankruptcy Rules to implement changes mandated by the Small Business Reorganization Act of 2019 (SBRA) dated February 14, 2020.