

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEBRASKA

FILED

2010 MAY 25 AM 6:37

UNITED STATES BANKRUPTCY CLERK
FOR THE DISTRICT OF NEBRASKA
OMAHA

IN RE:)
)
CHAPTER 11 -) GENERAL ORDER No. 10-02
SMALL BUSINESS)
FILING PROCEDURES)

In response to the Chapter 11- Small Business filing requirements added under BAPCPA, and as a result of apparent confusion among practitioners, the Court finds that a need exists for guidance with respect to filing processes in Chapter 11 - Small Business cases.

THEREFORE, IT IS ORDERED that effective immediately, this General Order amends procedures contained in Nebraska Rules of Bankruptcy Procedure 3017-1 with regard to all Chapter 11- Small Business cases:

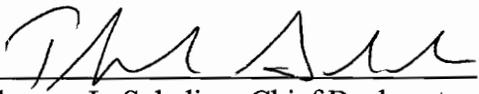
(1) When filing a Chapter 11 - Small Business case, counsel should be sure that the small business designation is properly selected. If the United States Trustee's office files an objection to the designation, the court will enter an order setting a hearing. If Debtor agrees that the designation was improperly selected, an amendment to the petition should be immediately filed;

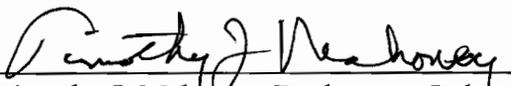
(2) According to 11 U.S.C. §1121(e), the plan and disclosure statement shall be filed not later than 300 days after the case is filed. The disclosure may be a separate filing or may be combined in the plan. See 11 U.S.C. § 1125(f) for small business plan and disclosure statement requirements.

- Once the plan is filed, 11 U.S.C. § 1129(e) requires the court to confirm a plan that complies with the applicable requirements not later than 45 days thereafter. To assist in meeting the 45 day confirmation requirement, upon the filing of the disclosure statement and plan (regardless of whether the disclosure statement is filed separately or as part of the plan), the Office of the United States Trustee will file a statement as to the adequacy of the disclosure for purposes of conditional approval.
 - If the United States Trustee has determined that the disclosure is adequate, the Court will enter an Order Conditionally Approving Disclosure Statement, Setting the Final Hearing Date and Establishing Deadlines (see attached). The disclosure statement will be considered for final approval along with confirmation of the plan on the final hearing date.
 - If the United States Trustee determines that the disclosure statement is inadequate for conditional approval, the disclosure statement will be set for hearing.

IT IS SO ORDERED.

DATED: 5/25/10


Thomas L. Saladino, Chief Bankruptcy Judge


Timothy J. Mahoney, Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEBRASKA

IN THE MATTER OF:)	
)	CASE NO.
)	
)	Chapter 11 Small Business
)	
DEBTOR(S))	

ORDER CONDITIONALLY APPROVING DISCLOSURE STATEMENT, FIXING TIME FOR FILING ACCEPTANCES OR REJECTIONS OF PLAN, AND FIXING THE TIME FOR FILING OBJECTIONS TO THE DISCLOSURE STATEMENT AND TO THE CONFIRMATION OF THE PLAN, COMBINED WITH NOTICE THEREOF AND OF THE HEARING ON FINAL APPROVAL OF THE DISCLOSURE STATEMENT AND THE HEARING ON CONFIRMATION OF THE PLAN

A disclosure statement under chapter 11 of the Bankruptcy Code having been filed by _____, on _____ with respect to a plan under chapter 11 of the Code filed by _____, on _____; and the debtor being a small business:

IT IS ORDERED, and notice is hereby given, that:

- A. The disclosure statement filed by _____ is conditionally approved.
- B. **(*schedule 31 days from notice date)** is fixed as the last day for filing written acceptances or rejections of the plan referred to above and for filing written objections to the disclosure statement and confirmation of the plan.
- C. If objections are filed, the hearing on final approval of the disclosure statement and on confirmation of the plan shall be held **(*schedule no later than 45 days)** at _____ Central Time in the Roman L. Hruska Courthouse, 111 South 18th Plaza, Bankruptcy Courtroom #8, 2nd Floor, Omaha, Nebraska. **PARTIES MAY PARTICIPATE BY TELEPHONE.**
- D. Affidavit evidence shall be submitted to the court and opposing counsel by _____.
- E. Within 3 days after the entry of this order the proponent of the plan shall mail postage prepaid at the proponent's expense to all creditors, equity security holders, other parties in interest, and United States trustee, the following: the plan, the disclosure statement conditionally approved by the Court, a copy of this order setting forth deadlines established by the Court; and a ballot conforming to Official Form 14. Proof of service shall be filed with the court 3 days before the above-specified objection date. See Fed. R. Bankr. P. 3017, 3018, 3020, 2002(b).
- F. If no objection to confirmation is served on movant and filed with the Clerk of the Bankruptcy Court by the deadline set, the Court shall deem the pleading unopposed and will consider confirmation without a hearing. The proponent of the plan shall comply with Neb. R. Bankr. P. 3020-1.

Dated:

BY THE COURT:

United States Bankruptcy Judge

Copies mailed or electronically sent by the court to:

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEBRASKA

IN THE MATTER OF:)	
)	
)	CASE NO.
)	CHAPTER 11
)	
Debtor)	

ORDER CONFIRMING PLAN

After review and consideration of the Plan, this Court does hereby find in this core proceeding that:

- II. After proper distribution of the Plan and the Notice of Hearing thereon to creditors, no objections have been filed in opposition to the confirmation of said Plan.
- III. The Plan complies with the applicable provisions of Title 11 of the United States Code.
- IV. In order to effectively conclude the administration of the debtor's estate, the court shall issue instructions to the debtor pursuant to 11 U.S.C. §1142 and B.R. 3020(d) in addition to the Local Rules of this Court.

IT IS THEREFORE ORDERED that:

- I. The Plan is hereby confirmed.
- II. The debtor shall:
 - A. Carry out the confirmed Plan, by distribution and performance of all other necessary acts. 11 U.S.C. §1142 and B.R. 3021.
 - B. Effect substantial consummation of the Plan, not later than one hundred fifty (150) days after the date of this Order.
 - C. Within thirty (30) days after substantial consummation of the Plan, the Debtor shall file a Final Accounting/Report and Application for Final Decree.
- III. In a case in which the debtor is an individual, confirmation of the plan does not discharge any debt provided for in the plan until the court grants a discharge upon motion, notice and hearing pursuant to 11 U.S.C. §1141(d)(5).

Dated:

BY THE COURT:

United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEBRASKA

IN THE MATTER OF:

Debtor

)
) CASE NO. BK
) CHAPTER 11.
)
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APPLICATION FOR FINAL DECREE
AND FINAL ACCOUNTING/REPORT

Comes now the Debtor, by and through its undersigned attorney, and pursuant to the Confirmation Order, submits that the estate herein is fully administered and substantially consummated as follows:

1. That all claims or interests have been surrendered or released in accordance with the provisions of the plan except as shown in Schedule A attached hereto;
2. That substantially all of the property of the debtor has been transferred according to the provisions of the plan as shown in Schedule B attached hereto;
3. That the debtor or the debtor's successor has assumed the business or substantially all of the property dealt with by the plan as applicable;
4. That distribution has been commenced under the plan, and that payments to creditors and other interested parties have been completed as shown in Schedule C attached hereto; and
5. That there are no facts necessary to enable the Court to pass on the provisions of the final decree presented in Schedule D attached hereto.

WHEREFORE, the debtor herein prays for the entry of the Final Decree finding the Plan is effective and that the estate has been fully administered; and therefore, an order of the Court granting:

- a. discharge of the debtor, if applicable;
- b. any specific injunction or other equitable provisions as set forth in Schedule D, and
- c. the closing of the case.

DATED:

Prepared and submitted by:

Attorney/Bar No.
Address
Phone No.

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEBRASKA

IN THE MATTER OF:

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CASE NO. BK
CHAPTER 11

Debtor

SCHEDULE A

Names and addresses of the holders of claims or interests that have not been surrendered or released in accordance with the provisions of the plan:

NAMES

ADDRESS

NATURE OF VALUE OF
CLAIM OR INTEREST

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEBRASKA

IN THE MATTER OF:

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CASE NO. BK
CHAPTER 11

Debtor

SCHEDULE B

The following property of the debtor has been/will be transferred according to the provisions of the plan:

NATURE

VALUE

TRANSFERRED TO AND DATE OF TRANSFER

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEBRASKA

IN THE MATTER OF:

Debtor

)
)
) CASE NO. BK
) CHAPTER 11
)

SCHEDULE C

Information required to close case:

____% Dividend paid/to be paid under Plan

____ Check if future payments are contemplated under Plan but percentage dividend is not determinable.

TOTAL RECEIPTS AND DISTRIBUTIONS

1. Gross Receipts \$ _____
Total Disbursements \$ _____

Balance of Estate Funds \$ _____

ADMINISTRATIVE FEES AND EXPENSES:

2. Trustee's Compensation \$ _____
3. Fee for Attorney for Trustee \$ _____
4. Total Other Professional Fees and all Expenses \$ _____
a. Accountant's fees \$ _____
b. Auctioneer's fees \$ _____
c. Appraiser's fees \$ _____
d. Attorney for Debtor \$ _____
Creditor's Committee \$ _____
Other (name) \$ _____
e. Other (list) \$ _____

Total Costs of Administration \$ _____

DISTRIBUTIONS

5. Secured Creditors \$ _____
6. Priority Creditors \$ _____
7. Unsecured Creditors \$ _____
8. Equity Security Holders \$ _____
9. Other Distributions (including payments to debtor) \$ _____

Total Distributions \$ _____

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEBRASKA

IN THE MATTER OF:)
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) CASE NO. BK
) CHAPTER
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 Debtor)

SCHEDULE D

Include here additional facts, if any, which are necessary to enable the Court to pass on any specific information or other equitable provisions requested in the final decree. If there are none, so indicate.