

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF FLORIDA  
Miami Division  
[www.flsb.uscourts.gov](http://www.flsb.uscourts.gov)

In re: Case No. 16-12988-BKC-RAM  
SEAN MCGREGOR COUTTS, Chapter 11  
Debtor.

**DEBTOR'S MOTION TO TEMPORARILY CLOSE BANKRUPTCY  
CASE PRIOR TO ENTRY OF ORDER OF DISCHARGE**

Sean McGregor Coutts (the "Debtor"), by counsel, pursuant to 11 U.S.C. § 350(a) and this Court's Order Confirming First Amended Plan of Reorganization of Sean McGregor Coutts and Setting Bar Date for Lease and Executory Contract Rejection Claims and Administrative Claims (the "Confirmation Order") [ECF No. 276], requests that the Court enter an order closing this bankruptcy proceeding prior to the entry of an Order of Discharge, without prejudice to the Debtor filing a motion to reopen this bankruptcy proceeding upon the satisfaction of all payments required under the Debtor's First Amended Plan of Reorganization (the "Plan") [ECF No. 213] to Class 1A, 1C, 2D, 4F, 5D, 6C and 8 creditors, and seeking the entry of an Order of Discharge at that time, and in support thereof, states as follows:

1. The Debtor's Plan was filed on June 17, 2017 and was confirmed on September 6, 2017, pursuant to the Confirmation Order.
2. The Plan provides for, *inter alia*, payments to the Debtor's various creditors, commencing on the date(s) set forth in the Plan.
3. Under the Plan, the Debtor's general unsecured creditors will receive a total distribution of \$15,000.00.
4. Pursuant to 11 U.S.C. § 1141(d)(5)(A) and the Confirmation Order, the Debtor cannot receive a discharge until all payments to Class 1A, 1C, 2D, 4F, 5D, 6C and 8 creditors are completed (unless after notice and a hearing, the court orders otherwise for

cause).

5. However, pursuant to 11 U.S.C. § 350(a) and the Confirmation Order, the Debtor may request that the Court close this bankruptcy proceeding prior to the entry of an Order of Discharge (see ¶ 22 of the Confirmation Order), after the following events have occurred: (a) payment of the initial payment(s) to creditors pursuant to the Plan; (b) payment of all outstanding quarterly United States Trustee Fees associated with the initial payment (as well as any other disbursements as of the date of this Motion); (c) the filing of all required Post-Confirmation Quarterly Operating Reports; and (d) the filing of all outstanding federal income tax returns.

6. The Debtor certifies that the initial payment(s) contemplated in the Plan have been made to all classes of creditors who are scheduled to be paid in full, or in part, on the Effective Date of the Plan, in the amounts set forth in the Debtor's Plan and the exhibit thereto.

7. The Debtor will be current with the filing of all Monthly/Quarterly Operating Reports by the time of the hearing on this Motion.

8. Furthermore, the Debtor certifies that all outstanding quarterly United States Trustee Fees have been paid, and all quarterly United States Trustee Fees through the closing of this case will be paid prior to the hearing on this Motion.

9. Finally, the Debtor certifies that all outstanding federal income tax returns have been filed.

10. The Debtor will be serving this Motion and the accompanying Notice of Hearing to all creditors and interested parties.

11. The Debtor requests that the Court enter an Order in the form set forth in the attached Exhibit "A".

WHEREFORE, the Debtor respectfully requests the Court enter an order closing this

bankruptcy proceeding prior to the entry of an Order of Discharge, in the form set forth in Exhibit "A", and for such other and further relief as the Court deems just and proper.

Dated: October 6, 2017

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By: \_\_\_\_\_ /s/ \_\_\_\_\_  
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## Exhibit “A” – Proposed Order

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF FLORIDA  
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In re: Case No. 16-12988-BKC-RAM  
SEAN MCGREGOR COUTTS, Chapter 11  
Debtor.

\_\_\_\_\_ /

### **ORDER GRANTING DEBTOR’S MOTION TO TEMPORARILY CLOSE BANKRUPTCY CASE PRIOR TO ENTRY OF ORDER OF DISCHARGE**

THIS CAUSE came on before the Court on \_\_\_\_\_ at \_\_\_\_\_,  
upon the Debtor’s Motion to Temporarily Close Bankruptcy Case Prior to Entry of Order of  
Discharge (the “Motion”), and the Court, having heard arguments of counsel, noting that the  
Debtor has filed all required Post-Confirmation Quarterly Operating Reports and represented  
that all United States Trustee quarterly fees have been paid pursuant to 28 U.S.C. § 1930, and  
being otherwise duly advised in the premises, **ORDERS** as follows:

1. The Motion is GRANTED, as provided herein.
2. This bankruptcy case shall be closed upon entry of this Order, without prejudice to  
the Debtor filing a motion to reopen this bankruptcy case upon the satisfaction of all payments

required under the First Amended Plan of Reorganization (the "Plan") [ECF No. 213] to Class 1A, 1C, 2D, 4F, 5D, 6C and 8 creditors and seeking the entry of an Order of Discharge at that time.

3. During the time that this bankruptcy case is temporarily closed, the provisions of this Court's Order Confirming First Amended Plan of Reorganization of Sean McGregor Coutts and Setting Bar Date for Lease and Executory Contract Rejection Claims and Administrative Claims (the "Confirmation Order") [ECF No. 276] shall remain in effect with respect to the treatment of creditor claims that existed as of March 1, 2016, the bankruptcy petition date, as long as the Debtor continues to be in compliance with the Plan and the Confirmation Order, and as long as the Debtor timely makes all of the payments to the creditors contemplated under the Plan, subject to any default provision(s) set forth in the Plan.

4. If and when the Debtor chooses to file a motion to reopen this bankruptcy case, any Clerk of Court fees associated with the filing of the motion to reopen shall be waived. The motion to reopen shall be served upon all creditors, the United States Trustee, and parties in interest, and shall demonstrate and verify that the Debtor has made all of the payments contemplated under the Plan to Class 1A, 1C, 2D, 4F, 5D, 6C and 8 creditors.

5. Upon the re-opening of this bankruptcy case, the Debtor shall promptly file a Final Report of Estate and Motion for Final Decree Closing Case on the Court-approved local form in effect at that time, which shall certify, among other things, that all payments required under the Plan have been made. The Court may then grant the Debtor a discharge, pursuant to 11 U.S.C. § 1141(d)(5) if all other conditions are satisfied.

6. The entry of this Order is also without prejudice to any creditor, the United States Trustee, or other party in interest in filing a motion to reopen this case to enforce the terms of the Plan, the Confirmation Order, or for other appropriate relief.

7. The Court retains jurisdiction to enforce any and all terms of the Plan, the

Confirmation Order and this Order.

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**Submitted by:**

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**Copies to:**

**All parties and creditors listed on the court matrix.**

**Attorney Shelomith is directed to serve copies of this order on all parties above and to file a certificate of service.**