

IN THE UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

In re:) Chapter 11
)
TWG CAPITAL, INC.,) Case No. 12-11019-BHL-11
)
Debtor.)

**APPLICATION FOR FINAL DECREE CLOSING THE CHAPTER 11 CASE
PURSUANT TO 11 U.S.C. §350(a) AND BANKRUPTCY RULE 3022**

TWG Capital, Inc. ("Debtor"), by counsel, hereby files this application ("Application") seeking the entry of final decree closing the Debtor's chapter 11 case pursuant to 11 U.S.C. § 350, Federal Rule of Bankruptcy Procedure 3022 ("Rule 3022"), and Rule B-3022-1 of the Local Rules for the U.S. Bankruptcy Court for the Southern District of Indiana ("Local Rule B-3022-1"). In support of this Application, the Debtor states:

1. The Debtor filed its voluntary petition for relief under Chapter 11 of Title 11 of the United States Code, 11 U.S.C. §§ 101 et seq. as amended ("Bankruptcy Code") on September 14, 2012 ("Petition Date") commencing this case ("Chapter 11 Case") in the United States Bankruptcy Court for the Southern District of Indiana, Indianapolis Division ("Court").

2. The Debtor's *Chapter 11 Plan of Liquidation Of TWG Capital, Inc.* ("Plan") was confirmed September 6, 2013 ("Confirmation Date") and became effective October 4, 2013 ("Effective Date").

RELIEF REQUESTED

a. Summary of Relief

3. By this Application, the Debtor seeks entry of a final decree pursuant to Section 350 of the Bankruptcy Code, Rule 3022 and Local Rule B-3022-1, declaring the estate fully administered and the case closed.

b. Basis for Relief

4. Under Rule 3022, the Court shall enter a final decree closing a bankruptcy case after the estate is fully administered.

5. In determining whether an estate has been fully administered pursuant to Rule 3022, courts will generally consider the following factors:

- (1) whether the order confirming the plan has become final,
- (2) whether deposits required by the plan have been distributed,
- (3) whether the property proposed by the plan to be transferred has been transferred,
- (4) whether the debtor or the successor of the debtor under the plan has assumed the business or the management of the property dealt with by the plan,
- (5) whether payments under the plan have commenced, and
- (6) whether all motions, contested matters, and adversary proceedings have been finally resolved.

Rule 3022 advisory's committee note – 1991 Amendment. *See* 11 U.S.C. § 1101(2) (defining "substantial consummation" as "(A) transfer of all or substantially all of the property proposed by the plan to be transferred; (B) assumption by the debtor or by the successor to the debtor under the plan of the business or of management of all or substantially all of the property dealt with by the plan; and (C) commencement of distribution under the plan").

6. Pursuant to Section 350 of the Bankruptcy Code and Rule 3022, the estate has been fully administered.

7. The order confirming the plan became final on the Confirmation Date. All conditions precedent to the Effective Date have occurred: (a) the Court has entered an order confirming the Plan in form and substance satisfactory to the Debtor; (b) no stay of the confirmation order is in effect; (c) all documents, instruments and agreements, in form and substance satisfactory to the Debtor, provided for under or necessary to implement the Plan have been executed and delivered by the parties thereto, unless such execution or delivery has been

waived by the parties benefited thereby; and (d) the Debtor and the plan officer have filed a notice of Effective Date in the Chapter 11 Case certifying that the conditions precedent have occurred or have been excused.

8. No deposits were required under the Plan. All assets, properties, and rights of the Debtor were liquidated pursuant to the Plan.

9. To the best of the Debtor's knowledge, all motions, contested matters, and adversary proceedings pending before the Court have been resolved.

10. Local Rule B-3022-1 requires an application for final decree to "be accompanied by a final quarterly or monthly financial report pursuant to S.D. Ind. B-2015-1 that includes the percentage paid or proposed to be paid to general unsecured creditors in the plan."

11. In satisfaction of the requirements of Local Rule B-3022-1, the Debtor respectfully reports that no distributions will be made under the Plan. The Debtor's final quarterly report is attached hereto as Exhibit A.

12. In accordance with 11 U.S.C. §350(a), Rule 3022, and Local Rule B-3022-1, the estate has been fully administered, and the Debtor respectfully requests the entry of a final decree closing the Chapter 11 Case.

WHEREFORE, the Debtor respectfully requests that the Court enter a final decree granting the relief requested herein and for such further relief as is just and proper.

Respectfully submitted,

FAEGRE BAKER DANIELS LLP

By: /s/ Kayla D. Britton

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Counsel for the Debtor and Debtor in Possession

CERTIFICATE OF SERVICE

I hereby certify that on December 19, 2013, a copy of the foregoing pleading was filed electronically. Notice of this filing will be sent to the following parties through the Court's Electronic Case Filing System. Parties may access this filing through the Court's system.

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I further certify that on December 19, 2013, a copy of the foregoing pleading will be mailed by first-class U.S. Mail, postage prepaid and properly addressed, to the following:

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