

FSM SUPREME COURT TRIAL DIVISION

In re PACIFIC FOODS AND SERVICES, INC.,	)	BANKRUPTCY CASE NO. PB 001-2009
	)	
Debtor.	)	Chapter 3
	)	
_____	)	
FSM DEVELOPMENT BANK,	)	
	)	
Claimant.	)	
_____	)	

ORDER CONFIRMING SUCCESSFUL COMPLETION OF REORGANIZATION PLAN AND  
CONCLUSION OF CASE

Larry Wentworth  
Associate Justice

Entered: September 2, 2021

APPEARANCE:

For the Secured Party Claimant: Nora E. Sigrah, Esq.  
P.O. Box M  
Kolonia, Pohnpei FM 96941

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HEADNOTES

Bankruptcy – Reorganization

When the reorganization plan under chapter 3 of the Bankruptcy Code was transmitted to creditors and equity security holders; and when, after hearing on notice, it was determined that the requirements of 31 F.S.M.C. 306 had been satisfied, that the debtor’s plan was fair and equitable to the creditors, and that it had a reasonable likelihood of successful implementation; and when the plan was deemed accepted by the creditors under 31 F.S.M.C. 308(7) because the class of secured creditors indicated its approval and was deemed to have voted in the plan’s favor and because, although the unsecured non-priority creditors were deemed to have voted against the plan since they will receive no distribution or other value under the plan, the unsecured non-priority creditors would, under the plan, not receive less than they would receive if the debtor were liquidated under chapter 2; the court will order that the debtor’s reorganization plan be confirmed and also notice that if the debtor fails to or is unable to implement any part of the plan or to comply with any provision of the confirmation order, the court may modify or revoke the confirmation order. In re Pacific Foods & Servs., Inc., 23 FSM R. 418, 419 (Pon. 2021).

Bankruptcy – Discharge; Bankruptcy – Reorganization

The court’s confirmation of a debtor’s reorganization plan discharge, by operation of law, all of the debtor’s debts that arose before that date, except as provided for in the confirmed reorganization plan. In re Pacific Foods & Servs., Inc., 23 FSM R. 418, 419 (Pon. 2021).

Bankruptcy – Discharge; Bankruptcy – Reorganization

When the sole member of the debtor’s secured creditor class filed its notice that the debtor completed all payments that were required by the debtor’s court-approved reorganization plan and that the debtor had implemented and complied with all parts of the confirmation order, that debt is satisfied and discharged and

the bankruptcy case is concluded. *In re Pacific Foods & Servs., Inc.*, 23 FSM R. 418, 419 (Pon. 2021).

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COURT'S OPINION

LARRY WENTWORTH, Associate Justice:

WHEREAS the reorganization plan under chapter 3 of the Bankruptcy Code (Title 31), as modified by a modification filed by the debtor on October 27, 2009, and again on November 12, 2009, was transmitted to creditors and equity security holders; and

WHEREAS it was determined, after hearing on notice that the requirements of 31 F.S.M.C. 306 had been satisfied, that the plan was fair and equitable to the creditors, and that it had a reasonable likelihood of successful implementation; and

WHEREAS the reorganization plan was deemed accepted by the creditors under 31 F.S.M.C. 308(7) because the class of secured creditors indicated its approval, 31 F.S.M.C. 308(4), and was deemed to have voted in the plan's favor, 31 F.S.M.C. 308(7)(a), and because, although the unsecured non-priority creditors were deemed to have voted against the plan since they will receive no distribution or other value under the plan, 31 F.S.M.C. 308(6), the unsecured non-priority creditors would, under the plan, not receive less than they would receive if the debtor were liquidated under chapter 2, 31 F.S.M.C. 308(7)(b); and

WHEREAS it was ordered, on July 14, 2010, that the debtor's reorganization plan, filed on November 12, 2009, was confirmed and it was also noticed that if the debtor failed to or was unable to implement any part of the plan or to comply with any provision of the confirmation order, "the court may modify or revoke the confirmation order . . . ." 31 F.S.M.C. 311(2); and

WHEREAS the confirmed plan was served on the creditors with the confirmation order; and

WHEREAS the court's confirmation of the debtor's reorganization plan on July 14, 2010, discharged, by operation of law, all of Pacific Foods and Services, Inc.'s debts that arose before that date, 31 F.S.M.C. 310(1), except as provided for in the confirmed reorganization plan; and

WHEREAS on June 8, 2020, the sole member of the debtor's secured creditor class, claimant FSM Development Bank, filed its notice that the debtor completed all payments that were required by the debtor's approved reorganization plan, that the debtor had implemented and complied with all parts of the confirmation order, and therefore that debt is satisfied and discharged,

NOW THEREFORE IT IS HEREBY ORDERED that this bankruptcy case IS CONCLUDED;

AND IT IS FURTHER ORDERED that the clerk shall serve a copy of this confirmation order on all creditors who filed claims against the debtor, and shall also, where applicable, file a copy of this order in the court's files for each collection against debtor Pacific Foods and Services, Inc. wherein creditors made claims that were subject to this bankruptcy case.

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