

**ORDER FINALLY APPROVING DISCLOSURE STATEMENT  
AND CONFIRMING PLAN**

**Applicable Law and Rules**

1. Section 1125(f) of the Bankruptcy Code (11 U.S.C. § 1125(f)) states that when a chapter 11 debtor is a small business debtor as defined in section 101(51D) of the Code, the court may conditionally approve the disclosure statement, subject to final approval after notice and a hearing. Acceptances and rejections of the plan may be solicited based on the conditionally approved disclosure statement and the hearing on the disclosure statement may be combined with the hearing on confirmation of the plan.
2. Section 1125(f) also provides that the court may determine that the plan itself provides adequate information in a small business case and that a separate disclosure statement is not necessary. Section 1125(f) also provides that the court may approve a disclosure statement submitted on a standard form approved by the court or on an Official Form.
3. Fed. R. Bankr. P. 3017.1(c)(3) states that “[i]f a timely objection to the disclosure statement is filed, the court shall hold a hearing to consider final approval before or combined with the hearing on confirmation of the plan.” The Committee Note to the rule states that a hearing on final approval is not necessary if no objection to the disclosure statement is filed.
4. The requirements for confirmation of a chapter 11 plan are set out in section 1129 of the Bankruptcy Code.
5. Fed. R. Bankr. P. 3020(c) states that:

**Order of Confirmation.**

(1) The order of confirmation shall conform to the appropriate Official Form. If the plan provides for an injunction against conduct not otherwise enjoined under the Code, the order of confirmation shall (1) describe in reasonable detail all acts enjoined; (2) be specific in its terms regarding the injunction; and (3) identify the entities subject to the injunction.

(2) Notice of entry of the order of confirmation shall be mailed promptly to the debtor, the trustee, creditors, equity security holders, other parties in interest, and, if known, any identified entity subject to an injunction provided for in the plan against conduct not otherwise enjoined under the Code.

(3). Except in a chapter 9 municipality case, notice of entry of the order of

confirmation shall be transmitted to the United States trustee as provided in Rule 2002(k).

6. Bankruptcy Rule 2002(f) states “. . . the clerk, or some other person as the court may direct, shall give the debtor, all creditors, and indenture trustees notice by mail of . . . entry of an order confirming a chapter 9, 11, or 12 plan . . . .”
7. Section 1129 of the Bankruptcy Code sets out the effects of confirmation of a chapter 11 plan.
8. See Form 13S for additional information on pertinent law and rules.

### **General Information for the Clerk**

This form may be used as a confirmation order in a case in which the chapter 11 debtor is a small business debtor as defined in section 101(51D) of the Bankruptcy Code. Because section 1125(f)(3) of the Code permits the court to conditionally approve a disclosure statement in such a case and then hold a combined hearing on the disclosure statement and confirmation of the plan, this form provides for both final approval of the disclosure statement and confirmation of the plan.

This form is based on Official Form 15. In the case of an individual chapter 11 debtor, Official Form 18 may be adapted for use with this form.