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3 UNITED STATES BANKRUPTCY COURT
4 EASTERN DISTRICT OF CALIFORNIA
5 SACRAMENTO DIVISION
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8 In re:)
9) Case No. 06-20263-B-13J
10 FRANCES DUNTON,) Docket Control No. MOH-3
11 Debtor.) Date: October 31, 2006
12) Time: 9:30 a.m.

13 On or after the calendar set forth above, the court issued
14 the following ruling. The official record of the ruling is
appended to the minutes of the hearing.

15 Because the ruling constitutes a "reasoned explanation" of
16 the court's decision under the E-Government Act of 2002 (the
"Act"), a copy of the ruling is hereby posted on the court's
17 Internet site, www.caeb.uscourts.gov, in a text-searchable
18 format, as required by the Act. However, this posting does not
constitute the official record, which is always the ruling
appended to the minutes of the hearing.

19 **DISPOSITION AFTER ORAL ARGUMENT**

20 Neither the respondent within the time for opposition nor the
21 movant within the time for reply has filed a separate statement
22 identifying each disputed material factual issue relating to the
23 motion. Accordingly, both movant and respondent have consented to the
24 resolution of the motion and all disputed material factual issues
25 pursuant to FRCivP 43(e). LBR 9014-1(f)(1)(ii) and (iii).

26 The motion is granted in part. The debtor's motion to confirm
27 her first amended plan is granted with the following modification in
28 the order confirming the plan: the language "at such time as the

1 distribution has been made by the Trustee the case should conclude" is
2 stricken from the plan. With that modification, the court finds that
3 the amended plan, filed August 14, 2006, complies with 11 U.S.C. §§
4 1322(a) & (b), 1323(c), and 1325(a).

5 The trustee's objection to the "conclusion" of the debtor's case
6 on the trustee's disbursement of funds in payment of allowed claims is
7 sustained. Before a Chapter 13 estate can be closed, the Chapter 13
8 trustee must prove to the court that the estate has been fully
9 administered. The trustee proves that the estate has been fully
10 administered by preparing and filing a final report and account. Once
11 the court approves the final report and account, the court may
12 discharge the debtor. See In re Avery, 272 B.R. 718, 726-28 (Bankr.
13 E.D. Cal. 2002). In rare circumstances, if the approval of the final
14 report will be unduly delayed and the debtor has a legitimate need for
15 an early entry of discharge, then the court may enter the discharge
16 prior to approval of the final report. Id. at 731. Here, however,
17 the debtor has neither shown such a need nor presented evidence that
18 the trustee's report will be unduly delayed.