

The court incorporates by reference in this paragraph and adopts as the findings and orders of this court the document set forth below. This document was signed electronically at the time and date indicated, which may be materially different from its entry on the record.



Dated: 03:39 PM February 16, 2017



Russ Kendig  
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

IN RE: ) CHAPTER 11  
JOSEPH J. DETWEILER, )  
Debtor. ) CASE NO. 09-63377  
) JUDGE RUSS KENDIG  
)  
)  
) **MEMORANDUM OF OPINION (NOT**  
) **INTENDED FOR PUBLICATION)**  
)

This bankruptcy case is before the court because of the death of Debtor, Joseph J. Detweiler. On September 16, 2016, a Notice of Suggestion of Death for Debtor was filed. Bankruptcy Rule 1016 provides:

Death or incompetency of the debtor shall not abate a liquidation case under chapter 7 of the Code. In such event the estate shall be administered and the case concluded in the same manner, so far as possible, as though the death or incompetency had not occurred. If a reorganization, family farmer's debt adjustment, or individual's debt adjustment case is pending under chapter 11, chapter 12, or chapter 13, the case may be dismissed; or if further administration is possible and in the best interest of the parties, the case may proceed and be concluded in the same manner, so far as possible, as though the death or incompetency had not occurred.

On October 24, 2017, the court requested briefing regarding the impact of Debtor's death on this bankruptcy case. On December 27, 2017, the court held a hearing on the matter.

Debtor's attorney and the Sequatchie Mountain Creditor's attorney attending the hearing. At the hearing, the parties agreed that Debtor's Chapter 11 case is no longer feasible. Debtor's Chapter 11 case was feasible, so long as, Debtor was capable of generating income to fund the plan. Debtor's death render him incapable of generating further income to fund the chapter 11 plan. Consequently, Debtor's chapter 11 plan is no longer feasible and further administration is not possible. Accordingly, a separate order dismissing Debtor's bankruptcy case will be entered contemporaneously.

# # #

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All Listed in Case Matrix