

ORDERED.

Dated: May 08, 2025



Catherine Peek McEwen  
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION  
[www.flmb.uscourts.gov](http://www.flmb.uscourts.gov)

In re

FAMILY INTERNATIONAL HOME  
BUILDERS, LLC

Case No. 8:25-02915-CPM  
Chapter 11

Debtor(s).

ORDER PRESCRIBING CONSEQUENCES OF FAILURE  
TO FILE OPERATING REPORTS AND PAY QUARTERLY FEES TIMELY

The Debtor in Possession<sup>1</sup> in this case is required to file monthly operating reports until the earlier of confirmation of a plan or conversion or dismissal.<sup>2</sup> If the plan is confirmed, the Debtor in Possession must thereafter file quarterly operating reports until the case is closed (or administratively abated in an individual chapter

<sup>1</sup> All references in this order to “Debtor in Possession” shall apply to a chapter 11 trustee if one is appointed in this case.

<sup>2</sup> 11 U.S.C. § 1106(a)(1) (adopting by reference 11 U.S.C. § 704(a)(8)), Fed. R. Bankr. P. 2015(a), and the United States Trustee’s Operating Guidelines and Reporting Requirements for Debtors In Possession and Chapter 11 Trustees. The United States Trustee’s Guidelines are promulgated in accordance with 28 U.S.C. § 586(a)(3), 11 U.S.C. § 704(8), and Fed. R. Bankr. P. 2015(a)(3) and apply in every chapter 11 case filed in this Court. A PDF of the United States Trustee’s Guidelines may be found on line at this link: [www.justice.gov/ust-regions-r21/region-21-general-information#ch11](http://www.justice.gov/ust-regions-r21/region-21-general-information#ch11).

11 case), converted, or dismissed. These reports are to be filed on or before the 21st day of the month following the time period covered by the report.<sup>3</sup> Upon the reopening of a closed (or administratively abated) case, the reporting requirement is again applicable while the case is open.

Operating reports provide a mechanism for the Court, Debtor in Possession, creditors, the United States Trustee, and other interested parties to monitor the financial position of a chapter 11 estate during the chapter 11 process. The operating reports allow the Debtor in Possession and all interested parties to detect whether the financial condition of the estate is deteriorating and, therefore, whether the chapter 11 process is a viable alternative for the estate. The responsibility to file reports—and file them timely—is high on the list of fiduciary obligations imposed upon a Debtor in Possession.

In addition, the Debtor in Possession must pay a quarterly fee to the United States Trustee until the case is closed (or administratively abated in an individual Chapter 11 case), converted, or dismissed. The quarterly fee is payable on or before the last day of the calendar month following the calendar quarter for which the fee is owed.<sup>4</sup> As with the reporting requirement, the payment requirement is again applicable while the case is open.

The failure timely to comply with the duties to file operating reports and pay quarterly fees constitutes grounds for the Court to convert this case to a case under chapter 7 or dismiss the case.<sup>5</sup> Consequently, the Court urges the Debtor in Possession to calendar and timely comply with the deadlines for filing any required operating report and paying the required quarterly fee.

It is accordingly

ORDERED:

1. If the Debtor in Possession fails timely to (i) file any required monthly or quarterly operating report or (ii) pay the required quarterly fee, the Court will

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<sup>3</sup> United States Trustee's Guidelines, ¶¶ 8 and 13. *See also* Fed. R. Bankr. P. 2015(a)(6) for Small Business Monthly Operating Reports.

<sup>4</sup> 28 U.S.C. § 1930(a)(6).

<sup>5</sup> *See* 11 U.S.C. § 1112(b)(4)(F), (H), and (K).

dismiss this case upon motion by the United States Trustee or *sua sponte*, without a hearing.

2. For *good cause* shown by motion filed *on or before* the due date of an operating report or payment, the Court may enlarge a particular deadline. (Of course, if this happens, the estate's lawyer will be entitled to bill the estate and be paid for this work,<sup>6</sup> unless the lawyer directly caused the need for an enlargement.)

The Clerk of the Court shall serve the Debtor. Otherwise, service shall be made by CM/ECF to CM/ECF users only.

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<sup>6</sup> Payment is subject to proper application, notice, hearing, and order approving compensation under 11 U.S.C. §§ 330 and 331.