



CLERK, U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS

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THE DATE OF ENTRY IS ON
THE COURT'S DOCKET

The following constitutes the ruling of the court and has the force and effect therein described.

Signed March 29, 2021

Mark X. Mullin
United States Bankruptcy Judge

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

IN RE:	§	CASE NO. 15-40289-mxm11
	§	JOINTLY ADMINISTERED
LIFE PARTNERS HOLDINGS, INC.,	§	(Chapter 11)
<i>et. al.</i>	§	
	§	Hearing Date: March 29, 2021
Reorganized Debtors.	§	Hearing Time: 1:30 p.m. (Central)

ORDER APPROVING: (I) CREDITORS' TRUSTEE'S FINAL REPORT AND AMENDED APPLICATION FOR FINAL DECREE CLOSING BANKRUPTCY CASES AND RELATED RELIEF; AND (II) POSITION HOLDER TRUST'S AMENDED POST-CONFIRMATION REPORT AND JOINDER IN AMENDED APPLICATION FOR FINAL DECREE CLOSING BANKRUPTCY CASES

CAME ON FOR CONSIDERATION, the: (i) *Final Report and Amended Application for Final Decree and Related Relief* (the "CT Application"), filed by Alan M. Jacobs, in his capacity as the Trustee ("Creditors' Trustee") of the Life Partners Creditors' Trust ("Creditors' Trust"); and (ii) the Amended Post-Confirmation Report and Joinder in Amended Application for Final Decree Closing Bankruptcy Cases (the "PHT Application", and with the CT Application, the "Applications"), filed by Michael J. Quilling, in his capacity as the Trustee of the PHT (the "PHT Trustee", and with the Creditors' Trustee, the "Trustees") of the Life Partners Position Holder

ORDER

Trust (the “PHT”, and with the Creditors’ Trust, the “Trusts”); with both Trustees having been appointed pursuant to the terms of the *Revised Third Amended Joint Plan of Reorganization of Life Partners Holdings, Inc. et. al., Pursuant to Chapter 11 of the Bankruptcy Code* [Docket No. 3427] (the “Plan”)¹ confirmed by this Court in the above-captioned, jointly administered Chapter 11 bankruptcy cases (the “Bankruptcy Cases”) of Life Partners Holdings, Inc. (“LPHI”) and its affiliated debtors, Life Partners, Inc. (“LPI”) and LPI Financial Services Inc. (“LPIFS,” collectively with LPI the “Subsidiary Debtors,” and collectively with LPHI and LPI, “Debtors” or “Life Partners”)²; and this Court having considered the Applications and the record before it, finds and concludes³ that: (i) this Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334; (ii) the Applications constitute core proceedings pursuant to 28 U.S.C. § 157(b)(2), as to which this Court may enter a final order consistent with Article III of the United States Constitution; (iii) venue of this proceeding and the Applications in this district is proper pursuant to 28 U.S.C. §§ 1408 and 1409; (iv) notice of the Applications and opportunity for a hearing thereon has been appropriate and adequate under the particular circumstances, and no other notice need be provided; (v) no response has been filed opposing either Application, the deadline for filing any such opposition has expired, and the Applications are therefore unopposed; (vi) good cause exists to approve the Applications and enter a this Order and Final Decree (this “Order” or “Final Decree”) closing these Chapter 11 Bankruptcy Cases. The Court further finds and concludes:

¹ Capitalized terms used and not otherwise defined herein have those same definitions as are ascribed to them under the Plan.

² The Bankruptcy Cases are, collectively: (i) *In re Life Partners Holdings, Inc.*, Case No. 15-40289; (ii) *In re Life Partners Inc.*, Case No. 15-41995; and (iii) *In re LPI Financial Services, Inc.*, Case No. 15-41996.

³ Findings of fact shall be construed as conclusions of law and conclusions of law shall be construed as findings of fact when appropriate. *See* Fed. R. Bankr. P. 7052.

1. On October 27, 2016, the Plan Proponents filed the Plan.⁴
2. On November 1, 2016, this Court entered its Confirmation Order confirming the Plan.⁵
3. The Plan became effective as of December 9, 2016, and has been substantially consummated since June of 2017.⁶
4. The Trustees, acting on behalf of the Reorganized Debtors, and in accordance with § 4.2 of the Plan, have sought authority from this Court pursuant to 11 U.S.C. § 350 and Rule 3022 of the Federal Rules of Bankruptcy Procedure to close the Bankruptcy Cases, as provided herein. Pursuant to 11 U.S.C. § 350 and Rule 3022 of the Federal Rules of Bankruptcy Procedure, this Court finds and concludes that the Bankruptcy Cases have been fully administered as contemplated in section 350 and Rule 3022.
5. Accordingly, the Court finds and concludes that it is in the best interests of Reorganized Debtors, the Successor Trusts, their beneficiaries, and all parties-in-interest, that this Court enter this Final Decree and close these Bankruptcy Cases effective pursuant hereto, as of March 31, 2021.
6. This Court acknowledges that there are certain Adversary Proceedings related to the Bankruptcy Cases that remain open (collectively, the "Pending Adversary Proceedings"). Notwithstanding, this Court further finds and concludes that it has the discretion and authority to retain jurisdiction and preside over the Pending Adversary Proceedings (and any remanded proceedings relating to any appeal thereof, if any), and that the nature and subject of such proceedings and the relief contested therein are such that these proceedings do not require the

⁴ See Docket No. 3427.

⁵ See Docket No. 3439.

⁶ See Docket Nos. 3615 and 4013.

Bankruptcy Cases to remain open.⁷ Moreover, this Court also has the authority and discretion to reopen the Bankruptcy Cases at a future time, as may be appropriate and notwithstanding the entry of this Final Decree. Moreover, nothing in this Order shall be construed as a limitation on the reservation of exclusive jurisdiction detailed in Article XVII of the Plan.

Based on the foregoing findings of fact and conclusions of law, it is hereby

ORDERED, ADJUDGED, and DECREED that the CT Application and his Final Report provided therein, including but not limited to its exhibit, are APPROVED on a final basis for all purposes; and it is further

ORDERED that the PHT's Amended Post-Confirmation Report encompassed in the PHT Application is hereby finally APPROVED for all purposes; it is further

ORDERED that pursuant to 11 U.S.C. § 350 and Federal Rule of Bankruptcy Procedure 3022, a Final Decree is hereby issued with respect to these Bankruptcy Cases effective as of March 31, 2021, and the Bankruptcy Cases are hereby CLOSED and the Clerk's Office is hereby ordered and directed to close the Bankruptcy Cases promptly, as follows: (i) *In re Life Partners Holdings, Inc.*, Case No. 15-40289; (ii) *In re Life Partners Inc.*, Case No. 15-41995; and (iii) *In re LPI Financial Services, Inc.*, Case No. 15-41996; it is further

ORDERED that neither the entry of this Final Decree nor any provision contained herein shall be deemed to adversely impact the continued administration of either of the Trusts; and it is further

ORDERED that the entry of this Final Decree is without prejudice to any right of the PHT Trustee to seek either reopening of the Bankruptcy Cases or any other relief; it is further

⁷ See *Order Granting Expedited Application for Final Decree*, Docket No. 499, *In re Vasari, LLC*, Case No. 17-44346-MXM (Bankr. N.D. Tex.).

ORDERED that the Creditors' Trustee's interpretations and construction of the Plan and Creditors' Trust Agreement regarding the liquidation of any and all reserves and distribution of all remaining assets of the Creditors' Trust in connection with its final distributions are hereby **APPROVED** and the Creditors' Trustee is hereby authorized to effectuate and administer the Creditors' Trust Agreement accordingly; it is further,

ORDERED that the Creditors' Trustee, the Governing Trust Board for the Creditors' Trust, and each of the members of such board (whether current or former), are hereby **DISCHARGED** of and from any and all duties of administration of the Creditors' Trust and all liabilities relating thereto, automatically upon the completion of the Remaining Duties. For clarity, this discharge applies specifically, but without limitation, to any obligation to reserve from the final distribution any sums for any reason, and to preclude any responsibility on the part of the Creditors Trustee and the Governing Trust Board or its members for, or arising out of, any expense incurred by the Creditors Trust; it is further,

ORDERED that the PHT Trustee is released and discharged of and from any duties and obligations that are required of the PHT Trustee under the Plan Documents prior to the closing of the Bankruptcy Cases or March 31, 2021; it is further

ORDERED that nothing in this Order shall prejudice any party's substantive or procedural rights in the Adversary Proceedings, which shall survive, and be unaffected by, the closing of the Bankruptcy Cases; and it is further

ORDERED that the Trustees are hereby authorized, pursuant to their sole discretion in the course of the administration of the respective Trusts, to dispose of and destroy any and all files and records maintained by either Trust which relate to the Debtors or the prior business operations of any of the Debtors or related entities, including, without limitation, any documents that relate

to filed or scheduled claims or litigation proceedings that have been fully and finally adjudicated or compromised, without any possibility of appeal, including without limitation, any and all records that relate solely to the filed or scheduled claims of policy sellers; it is further

ORDERED that any and all United States Trustee fees due and owing for the Bankruptcy Cases shall be paid when due following entry of this Final Decree; it is further

ORDERED that the Trustees are authorized to take all actions necessary to effectuate this Final Decree; it is further

ORDERED that the terms and conditions of this Final Decree shall be immediately effective and enforceable upon entry of this Final Decree; and it is further

ORDERED that notwithstanding the closing of the Bankruptcy Cases this Court shall and hereby does retain exclusive jurisdiction to the fullest extent permitted under the Plan, Confirmation Order, and/or applicable law, including specifically and expressly to enforce or interpret its own orders pertaining to the Bankruptcy Cases.

END OF ORDER

Respectfully Submitted By:

/s/ Jay H. Ong

Dennis L. Roossien, Jr.
Texas Bar No. 00784873
Jay H. Ong
Texas Bar No. 24028756

MUNSCH HARDT KOPF & HARR, P.C.

500 N. Akard Street, Suite 3800
Dallas, Texas 75201-6659
Telephone: (214) 855-7500
Facsimile: (214) 855-7584
E-mail: jong@munsch.com

*COUNSEL FOR ALAN M. JACOBS, AS THE
TRUSTEE OF THE LIFE PARTNERS CREDITORS' TRUST*

AND

/s/ Joshua L. Shepherd

Joshua L. Shepherd
Texas Bar No. 24058104

QUILLING SELANDER LOWNDS WINSLETT & MOSER, P.C.

2001 Bryan Street, Suite 1800
Dallas, Texas 75201
Telephone: (214) 871-2100
Facsimile: (214) 871-2100
E-mail: jshepherd@qslwm.com

*COUNSEL FOR MICHAEL J. QUILLING, AS TRUSTEE
OF THE LIFE PARTNERS POSITION HOLDER TRUST*