

57688

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MASSACHUSETTS  
EASTERN DIVISION

In re

FRANKLIN ENVIRONMENTAL  
SERVICES, INC.,

Debtor.

Chapter 11  
Case No. 02-17897-RS

Certified to be a true and  
correct copy of the original  
Mary P. Sharon, Clerk  
U.S. Bankruptcy Court  
District of Massachusetts

By:  Deputy Clerk  
Date: 11/1/06



**FINAL DECREE**

The *Application for Final Decree* (the "Application") filed by Robert P. Wexler, as Trustee of the Franklin Environmental Services, Inc. Creditors' Trust (the "Creditors' Trustee"), having come before the Court pursuant to Section 350 of Title 11 of the United States Code, 11 U.S.C. §§ 101 *et seq.* (the "Bankruptcy Code"), Rule 3022 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Rule 3022-1 of the Local Rules of the United States Bankruptcy Court for the District of Massachusetts (the "MLBR"), requesting the entry of a final decree ordering the above-captioned Chapter 11 case (the "Case") closed, barring certain claims and providing other relief incident to the closing of the Case; and the Court having considered the Application and the *Affidavit of Robert P. Wexler in Support of Application for Final Decree*, and no further notice or hearing being required, it is hereby found as follows:

1. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 1334(a) and 157(a), that this is a core proceeding under 28 U.S.C. § 157(b)(2), and that venue is proper in this Court pursuant to 28 U.S.C. §§ 1408 and 1409.

2. The *Joint Plan of Reorganization* (the "Plan") proposed by Franklin Environmental Services, Inc. (the "Debtor") and the Official Committee of Unsecured Creditors,

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pursuant to which the Creditors' Trustee was appointed as the trustee of the Creditors' Trust created in accordance with the Plan and was given the powers, duties and obligations set forth in the Plan and in the *Creditors' Trust Agreement* attached to the Plan as Exhibit A, as confirmed by this Court's order dated April 8, 2003 (the "Order"), has been substantially consummated in accordance with Bankruptcy Code § 1101(2), the provisions of the Plan, the Order and all subsequent orders of the Court; accordingly, the Case may be closed in accordance with Bankruptcy Rule 3022.

3. The Creditors' Trustee has either paid or provided for payment of all administrative expenses, including professional compensation and costs as set forth on Exhibit A to the Application.

4. The Creditors' Trustee has made two distributions, as permitted by the Plan, to the holders of allowed general unsecured claims ("Allowed Claims"), as set forth on Exhibit B to the Application, in the total amounts and to the addresses indicated thereon, with such distributions constituting a dividend of fifteen and 50/100 percent (15.5%).

5. There remain no outstanding motions, contested matters or adversary proceedings in the Case.

6. The Debtor has no unpaid obligations for any federal, state or local tax ("Tax Claims").

7. The Debtor's estate has been fully administered.

**NOW, THEREFORE**, it is hereby **ORDERED** as follows:

1. The Application is **GRANTED** in its entirety.

2. In the event that any checks from the second distribution made to holders of Allowed Claims in July 2006 are either returned as undeliverable or are otherwise not negotiated

("Unclaimed Funds"), the Creditors' Trustee may, without further order of the Court, (a) make a further distribution on account of Allowed Claims should the aggregate total amount of Unclaimed Funds, after consideration of the expense of distribution, equal or exceed one-half of one percent (0.5%) of the total Allowed Claims or (b), if after consideration of the expense of distribution, such aggregate total amount of Unclaimed Funds does not equal or exceed one-half of one percent (0.5%) of the total Allowed Claims, deliver the amount of such Unclaimed Funds to the Boys & Girls Clubs of Boston, 50 Congress Street, Boston, Massachusetts 02109, or any other Massachusetts-based charitable organization that the Creditors' Trustee may reasonably choose.

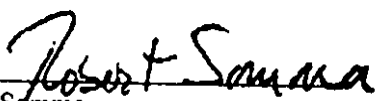
3. No Tax Claims exist against the Debtor, and all federal, state and local taxing authorities are forever barred and enjoined from asserting any Tax Claims in any amount or any priority against the Debtor, the Debtor's estate, the Creditors' Trustee, or any successors or assigns thereof.

4. The Creditors' Trustee is hereby authorized to dispose of the Debtor's business records, and all other remaining miscellaneous assets of the Debtor, if any, are hereby deemed abandoned by the Creditors' Trustee.

5. Within thirty (30) days of the completion of the disbursements and distributions to be made as set forth above, the Creditors' Trustee shall file his certification of the same with the Court, at which time, without further order of the Court, the Creditors' Trustee shall be deemed discharged from his duties in the Case, and any bond securing the performance thereof shall be cancelled and retired.

6. The Case is hereby closed.

SO ORDERED this 8<sup>th</sup> day of September, 2006.

  
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Robert Somma  
United States Bankruptcy Judge

EQ Northeast, Inc. 185 Industrial Rd. Wrentham, MA

November 7, 2018

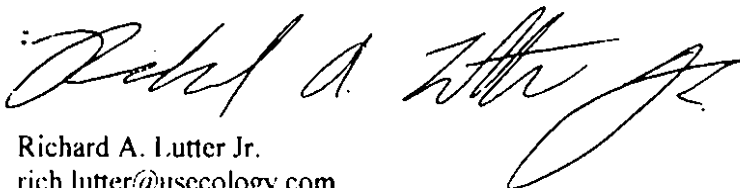
Business Services  
State of Rhode Island  
Office of Nellie M. Gorbea  
Secretary of State  
148 West River Street  
Providence, RI 02904-2615

SUBJECT: Please remove Bankruptcy Status for ID: 000057688

To whom it may concern,

EQ Northeast, Inc. respectfully requests that the Secretary of State office of Rhode Island remove the status of bankruptcy from its file based on the Final Decree attached. This decree was issued and certified by the United States Bankruptcy Court District of Massachusetts and should satisfy all of the requirements related to the status change. If there are any questions or concerns please feel free to call or email me any time.

Sincerely,



Richard A. Lutter Jr.  
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