

**UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF VIRGINIA**

IN RE:

Debtor(s).

CASE NO.

CHAPTER 13

**ORDER TOLLING LIMITATIONS ON TRUSTEE'S AVOIDING POWERS
AND WAIVER OF DEBTOR'S RIGHT TO CONVERT**

1. Came this day the Debtor, by Counsel, _____ (“the Transferee”), and the Chapter 13 Trustee who have advised the Court that the Debtor filed this case on _____, 20____; that the Debtor did in _____, 20____, transfer to the Transferee certain real estate located in XXX County, Virginia, known as tax map parcel number _____ (“the property”); that this transfer was, pursuant to Code section 548(a)(1)(B), one for less than a reasonably equivalent value; that as a condition of confirmation of this case they have reached an agreement regarding this transfer; that this case is otherwise ready for confirmation; and that entry of an order embodying this agreement is important to preserve the rights of this or any subsequent Trustee in this case to proceed against the above-described transfer of real estate.

2. Accordingly, for cause shown, and it otherwise appearing proper to do so, it is hereby **ORDERED** that:

A. Pursuant to Code section 105, the time limitation set forth in Code section 546(a) which limits the time period during which this Trustee, or any subsequent Trustee in this case, may bring an action against the Debtor, the Transferee, or any subsequent transferee of the above-described property to recover said property under Code sections 544, 545, 547, 548, or 553 is hereby tolled, and shall not begin to run, until such time as (i) the Trustee has distributed to the Debtor's priority and unsecured

creditors a net total of \$ _____ , which is the amount required to meet the “Chapter 7 test” [Code section 1325(a)(4)] in this case, or (ii) this case is converted to a bankruptcy case under a different Chapter, whichever event occurs first.

B. The Clerk shall cause a copy of this Order to be forwarded to the Debtor, Debtor’s counsel, the Transferee, and the Chapter 13 Trustee.

Dated: ____ day of _____, 20____

U.S. Bankruptcy Judge

We ask for this:

/s/ [Attorney’s signature]

_____, Counsel for Debtor

/s/ [Debtor’s signature]

_____, Debtor

/s/ [Transferee’s signature]

_____, Transferee

/s/ ANGELA M. SCOLFORO

Angela M. Scolforo, Chapter 13 Trustee