

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

IN RE: _____ : **Case No.**
:
: **Chapter 13**
Debtor(s). :
:
: _____

ORDER TOLLING LIMITATIONS ON TRUSTEE’S AVOIDING POWERS

1. Came this day the Debtor(s), by Counsel, the Chapter 13 Trustee, and _____
(hereafter the “Transferee”), who advise the Court that:
- a. the Debtor(s) filed this case on _____;
 - b. on _____, the Debtor(s) did transfer to the Transferee **money/property** in the amount of \$_____ (hereafter “the Transfer”);
 - c. the Transferee is an insider;
 - d. the Trustee alleges that this Transfer may be a voidable preference pursuant to Bankruptcy Code Section 547(b), or a fraudulent transfer pursuant to Section 548(a)(1), made for less than reasonably equivalent value;
 - e. as a condition of confirmation of this case the Debtor(s), the Trustee, and the Transferee reached an agreement that entry of this Order regarding this Transfer is important to

preserve the rights of this, or any subsequent Trustee in this case, to proceed against the above-described Debtor(s) and Transferee.

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

ORDERED

(A) That, pursuant to Bankruptcy Code Section 105, and F.R.B.P. 9006(b), the time limitation set forth in Bankruptcy 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(s), the Transferee, or any subsequent Transferee of the above-described Transfer, to recover said property or funds under Bankruptcy Code Sections 544, 545, 547, 548, or 553 is hereby tolled, and shall not begin to run, until:

(i) the Trustee distributes to the Debtor(s)' priority and unsecured creditors a net total of \$ _____, in this case, or

(ii) this case is converted to a bankruptcy case under a different Chapter,

whichever event occurs first.

(B) Nothing herein shall be deemed (i.) an admission that the Transfer qualifies as a preference, or (ii.) a waiver of any defenses that the Debtor(s), Transferee, or any other party, may assert as a defense to the cause of action identified herein, other than the statute of limitations.

(C) Debtor(s)' counsel and the Chapter 13 Trustee shall receive electronic notice of this Order upon entry. Debtor(s)' counsel shall provide a copy of this Order to the Debtor(s) and the Transferee(s).

*****END OF ORDER*****

We ask for this:

/s/
Counsel for Debtor(s)

/s/
, Debtor

/s/
, Debtor

/s/
, Transferee

/s/
Angela M. Scolforo, Chapter 13 Trustee