IN THE UNITED STATES BANKRUPTCY COURT

FOR THE MIDDLE DISTRICT OF TENNESSEE

|  |  |  |
| --- | --- | --- |
| In re: | ) |  |
|  | ) |  |
| [\*\*\* Debtor 1 \*\*\*] | ) | Case No. \*\*-\*\*\*\*\*-\*\*\*-13 |
| [\*\*\* Debtor 2 \*\*\*] | ) | Chapter 13 |
|  | ) | Judge [\*\*\* Judge \*\*\*] |
| Debtor(s). | ) |  |

THE DEADLINE FOR FILING A TIMELY RESPONSE IS: \_\_\_\_\_

IF A RESPONSE IS TIMELY FILED THE HEARING DATE WILL BE: \_\_\_\_\_ at [\*\*\* 9:00 a.m. 9:30 a.m. \*\*\*] in the Joint Hearing Courtroom ([\*\*\* NSH COL CKV \*\*\*]), Customs House, 701 Broadway, 2nd Fl, Nashville, TN 37203 (Virtual hearing if allowed; see Court website for details)

**TRUSTEE'S NOTICE OF MOTION TO APPROVE AGREED ORDER ModifyING STATUTE OF LIMITATIONS AGAINST [\*\*\* Transferee Name \*\*\*]**

Henry E. Hildebrand, III, Chapter 13 Trustee, has asked the court for the following relief: Approve agreed order modifying statute of limitations against [\*\*\* Transferee Name \*\*\*]

**YOUR RIGHTS MAY BE AFFECTED**. If you do not want the court to grant the attached motion by entering the attached order, or if you want the court to consider your views on the motion, then on or before the response date stated above, you or your attorney must:

1. File with the court your response or objection explaining your position. Please note: the Bankruptcy Court for the Middle District of Tennessee requires electronic filing. Any response or objection you wish to file must be submitted electronically. To file electronically, you or your attorney must go to the court website and follow the instructions at: <https://ecf.tnmb.uscourts.gov>.

If you need assistance with Electronic Filing you may call the Bankruptcy Court at (615) 736 5584. You may also visit the Bankruptcy Court in person at: 701 Broadway, 1st Floor, Nashville, TN (Monday - Friday, 8:00 A.M. - 4:00 P.M.).

1. Your response must state the deadline for filing responses, the date of the scheduled hearing and the motion to which you are responding.

If a response is filed before the deadline stated above, the hearing will be held at the time and place indicated above. **THERE WILL BE NO FURTHER NOTICE OF THE HEARING DATE**. You may check whether a timely response has been filed by viewing the case on the Court’s website at <https://ecf.tnmb.uscourts.gov>.

If you or your attorney does not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter the attached order granting that relief.

/s/ Henry E. Hildebrand, III

Henry E. Hildebrand, III

Chapter 13 Trustee

IN THE UNITED STATES BANKRUPTCY COURT

FOR THE MIDDLE DISTRICT OF TENNESSEE

|  |  |  |
| --- | --- | --- |
| In re: | ) |  |
|  | ) |  |
| [\*\*\* Debtor 1 \*\*\*] | ) | Case No. \*\*-\*\*\*\*\*-\*\*\*-13 |
| [\*\*\* Debtor 2 \*\*\*] | ) | Chapter 13 |
|  | ) | Judge [\*\*\* Judge \*\*\*] |
| Debtor(s). | ) |  |

**MOTION TO APPROVE AGREED ORDER ModifyING STATUTE OF LIMITATIONS AGAINST [\*\*\* Transferee Name \*\*\*]**

Henry E. Hildebrand, III, Chapter 13 Trustee, by and through counsel, requests that the Court approve the attached agreed order modifying the statute of limitations against [\*\*\* Transferee Name \*\*\*] under 11 U.S.C. §§ 546(a)(1) and 549(d).

Respectfully submitted,

/s/ Henry E. Hildebrand, III

Henry E. Hildebrand, III

Chapter 13 Trustee

P. O. Box 340019

Nashville, TN 37203-0019

615-244-1101

www.ch13nsh.com

pleadings@ch13nsh.com

**Certificate of Service**

I, the undersigned, hereby certify that on January 12, 2024, a true and correct copy of the foregoing notice was served in the following manner:

***By Electronic Case Noticing to:***

Assistant U.S. Trustee

Attorney for the Debtor(s)

***By U. S. Postal Service, postage prepaid to:***

[\*\*\* Debtor 1 \*\*\*], [\*\*\* Debtor 2 \*\*\*], [\*\*\* Address \*\*\*]

[\*\*\* Transferee Name \*\*\*], [\*\*\* Address \*\*\*]

[\*\*\* Attorney for the Debtor(s) \*\*\*]

/s/ Henry E. Hildebrand, III

Henry E. Hildebrand, III

Chapter 13 Trustee

IN THE UNITED STATES BANKRUPTCY COURT

FOR THE MIDDLE DISTRICT OF TENNESSEE

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| In re: | ) |  |
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| [\*\*\* Debtor 1 \*\*\*] | ) | Case No. \*\*-\*\*\*\*\*-\*\*\*-13 |
| [\*\*\* Debtor 2 \*\*\*] | ) | Chapter 13 |
|  | ) | Judge [\*\*\* Judge \*\*\*] |
| Debtor(s). | ) |  |

**PROPOSED**

**AGREEMENT AND AGREED ORDER MODIFYING STATUTE OF LIMITATIONS AGAINST [\*\*\* Transferee Name \*\*\*]**

The Trustee has received evidence of a transfer by the debtor(s) to [\*\*\* Transferee Name \*\*\*] that may be subject to avoidance. Based on the projected payment to unsecured creditors under the chapter 13 plan and other relevant factors, the Trustee agrees not to pursue avoidance of the transfer unless the plan is modified, the case is converted to another chapter, or the Trustee in good faith determines that delay might threaten the estate’s potential recovery. In exchange for the Trustee’s forbearance, the transferee agrees to the modifications of the potentially applicable statutes of limitations below. It is, therefore, agreed and:

ORDERED, the statutes of limitations under 11 U.S.C. §§ 546(a)(1) and 549(d) are waived as to [\*\*\* Transferee Name \*\*\*] during the pendency of this chapter 13 case; it is further agreed and

ORDERED, if the case converts to a case under another chapter, these statutes of limitations are extended to the later of two (2) years from the date of conversion or the deadline determined under other applicable law.

THIS ORDER WAS SIGNED AND ENTERED

ELECTRONICALLY AS INDICATED AT THE

TOP OF THE FIRST PAGE.

APPROVED BY:

(including permission for electronic signature for Court filing)

/s/

[\*\*\* Transferee Name \*\*\*]

Transferee

Address:

/s/

[\*\*\* Attorney Name \*\*\*]

Attorney for the Debtors

[\*\*\* Attorney address/phone email \*\*\*]

/s/ Henry E. Hildebrand, III

Henry E. Hildebrand, III

Chapter 13 Trustee

Chapter 13 Trustee’s Office

P. O. Box 340019

Nashville, TN 37203-0019

615-244-1101

pleadings@ch13nsh.com