**UNITED STATES BANKRUPTCY COURT**

**MIDDLE DISTRICT OF ALABAMA**

**IN RE: CHAPTER 13**

 **CASE #**

**DEBTOR NAME,**

**DEBTOR NAME,**

 **Debtor(s).**

**STIPULATION TO EXTEND STATUTE OF LIMITATIONS**

**PURSUANT TO 11 U.S.C. §546(a)(1)**

COMES NOW, Sabrina L. McKinney, Chapter 13 Standing Trustee, in the above referenced bankruptcy case; Name of Debtor Attorney, Attorney for the above-referenced debtor(s); Name of Debtor(s), Debtor(s); and Name of Transferee, Transferee (hereinafter called Transferee), in the debtor(s) Chapter 13 case and file this stipulation to extend the two-year statute of limitations to bring a preference avoidance proceeding pursuant to 11 U.S.C. §546, §547, §549, or any other applicable Statute. As grounds thereof, the party’s state as follows:

1. The debtor(s) filed for protection of 11 U.S.C. §1301 et seq on Date bankruptcy filed. The debtor(s) made a transfer of Describe property transferred valued at approximately $enter amount to said Transferee on Date of Transfer.
2. The debtor(s) Chapter 13 plan proposes to repay the value of this transfer to his/her/their unsecured creditors and the plan meets the best interest test. However, the debtor(s) is/are free to later convert to a Chapter 7 bankruptcy, or voluntarily dismiss this Chapter 13 bankruptcy, and the two-year statute of limitations may expire.
3. The Chapter 13 Trustee has a duty to “preserve” an avoidance action for any action for any future trustee or unsecured creditor. Therefore, the parties have stipulated to extend the two-year statute of limitations to bring a preference avoidance proceeding pursuant to 11 U.S.C. §546, §547, §549, or any other applicable Statute. No actions will be taken as to the filing of any further pleadings unless the plan proposed is one that falls below paying unsecured claims as required by the provisions of the Bankruptcy Code and the agreement of the parties.
4. Consideration for the waiver by Transferee from the Trustee is a forbearance of an avoidance action until a later date.
5. All parties agree that they have been advised by their attorneys of the legal effects of this waiver or have knowingly and voluntarily waived counsel in connection with the preparation and execution of this agreement and have signed same after said counsel and of their own free will.

WHEREFORE, all parties agree to extend the running of the statute of limitations as provided pursuant to 11 U.S.C. §546, §547, §549, or any other applicable statute of limitations until the completion of the debtor(s) Chapter 13 plan, or two years after a conversion to Chapter 7 or other voluntary dismissal, or if the plan is modified to reduce the distribution to unsecured creditors.

 Name of Debtor Attorney

 Attorney for Debtor(s)

 Signed and dated:

 Name of Debtor

 Debtor

 Signed and dated:

 Name of Joint Debtor

 Debtor

 Signed and dated:

 Name of Transferee

 Transferee

 Signed and dated:

 Name of Transferee

 Transferee

 Signed and dated:

 Sabrina L. McKinney

 Chapter 13 Standing Trustee

 Signed and dated:

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, the undersigned Notary Public in and for the State of Alabama, do hereby certify that Name of Debtor Attorney, whose name is signed to the foregoing STIPULATION TO EXTEND STATUTE OF LIMITATION PURSUANT TO 11 U.S.C. §546(a)(1), and who is known to me, acknowledged before me on this day that, being informed of the contents of the document, he/she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal, this \_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_.

 *(SEAL)*

My Commission Expires:

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, the undersigned Notary Public in and for the State of Alabama, do hereby certify that Name of Debtor, whose name is signed to the foregoing STIPULATION TO EXTEND STATUTE OF LIMITATION PURSUANT TO 11 U.S.C. §546(a)(1), and who is known to me, acknowledged before me on this day that, being informed of the contents of the document, he/she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal, this \_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_.

 *(SEAL)*

My Commission Expires:

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, the undersigned Notary Public in and for the State of Alabama, do hereby certify that Name of Debtor, whose name is signed to the foregoing STIPULATION TO EXTEND STATUTE OF LIMITATION PURSUANT TO 11 U.S.C. §546(a)(1), and who is known to me, acknowledged before me on this day that, being informed of the contents of the document, he/she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal, this \_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_.

 *(SEAL)*

My Commission Expires:

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, the undersigned Notary Public in and for the State of Alabama, do hereby certify that Name of Transferee, whose name is signed to the foregoing STIPULATION TO EXTEND STATUTE OF LIMITATION PURSUANT TO 11 U.S.C. §546(a)(1), and who is known to me, acknowledged before me on this day that, being informed of the contents of the document, he/she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal, this \_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_.

 *(SEAL)*

My Commission Expires:

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, the undersigned Notary Public in and for the State of Alabama, do hereby certify that Name of Transferee, whose name is signed to the foregoing STIPULATION TO EXTEND STATUTE OF LIMITATION PURSUANT TO 11 U.S.C. §546(a)(1), and who is known to me, acknowledged before me on this day that, being informed of the contents of the document, he/she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal, this \_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_.

 *(SEAL)*

My Commission Expires:

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, the undersigned Notary Public in and for the State of Alabama, do hereby certify that Sabrina L. McKinney, whose name is signed to the foregoing STIPULATION TO EXTEND STATUTE OF LIMITATION PURSUANT TO 11 U.S.C. §546(a)(1), and who is known to me, acknowledged before me on this day that, being informed of the contents of the document, she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal, this \_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_.

 *(SEAL)*

My Commission Expires: