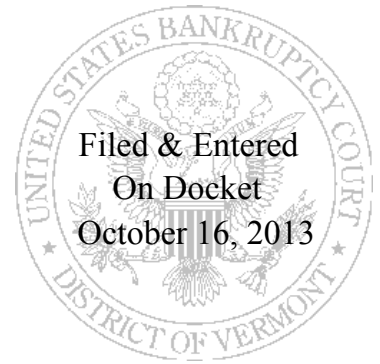


UNITED STATES BANKRUPTCY COURT
FOR THE
DISTRICT OF VERMONT



IN RE:)
)
PARKER, MALCOLM H.) Case No. 12-10684 CAB
) Chapter 7
)
Debtor)

STIPULATED
LIMITED WAIVER OF DISCHARGE
WITH ORDER

Malcolm H. Parker (the “Debtor”) and **Douglas J. Wolinsky**, the chapter 7 trustee (the “Trustee”) stipulate and agree as follows:

1. A Chapter 7 Involuntary Petition was filed against the Debtor on August 14, 2012 (the “Petition Date”). On November 27, 2012, the Court entered an Order for Relief (Involuntary) (Doc. # 49).
2. On November 28, 2012, the Trustee was appointed pursuant to 11 U.S.C. § 701.
3. Per docket entry dated December 12, 2012, the first date set for the meeting of creditors under Section 341(a) of the United States Bankruptcy Code, 11 U.S.C. 101 *et seq.* (the “Bankruptcy Code”) was February 13, 2013.
4. Prior to the Petition Date, Debtor entered into more than two thousand five hundred (2,500) individual investment contracts with approximately seven hundred (700) investors (the “Investors”) in order to finance the production of his film, *The Birth of Innocence*.
5. These transactions between the Debtor and the Investors resulted in state and federal fraud investigations. On March 16, 2012, the Debtor entered into a plea agreement with

the United States Attorney for the District of Vermont. On April 11, 2012, the Debtor pleaded guilty to one count of conspiracy to commit wire fraud and one count of filing false tax document pursuant to an Information filed by the United States Attorney for the District of Vermont.

6. On August 21, 2013, the Debtor was sentenced to 55 months in federal prison, 3 years supervised release, and full restitution to all victims of the Debtor's fraud. On October 8, 2013, the District Court entered an Amended Judgment in a Criminal Case (the "Criminal Judgment"), a copy of which is attached[^] as Exhibit B to the stipulation filed at doc 308. As part of the Criminal Judgment, the Debtor is required to pay \$7,468,441.79 in restitution to the Investors who were the victims of his fraud scheme.

7. Section 523(a)(13) states that a discharge under Section 727 of the Bankruptcy Code does not discharge an individual from any debt "for any payment of an order of restitution issued under title 18, United States Code."

8. For the purposes of this Limited Waiver of Discharge, the term Investors includes (i) all of the parties to whom the Debtor has been directed to pay restitution pursuant to the Criminal Judgment, together with (ii) all parties who have or may file an allowed proof of claim in this case which asserts that said party loaned money to the Debtor as part of the fraud scheme for which the Debtor is required to pay restitution pursuant to the Criminal Judgment.

9. Pursuant to Section 727(a)(10), the Debtor and the Trustee request the Court to approve a waiver of discharge with respect to all of the Debtor's obligations to the Investors.

10. The Trustee reserves his right to object to any proofs of claim filed or to be filed in this case, including proofs of claim filed or to be filed by Investors.

Dated: October 15, 2013

**DOUGLAS J. WOLINSKY
CHAPTER 7 TRUSTEE**

By: /s/ Douglas J. Wolinsky
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MALCOLM H. PARKER

By: / s / Rebecca Rice
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SO ORDERED:

Dated: October 16, 2013



Colleen A. Brown, Judge
United States Bankruptcy Court