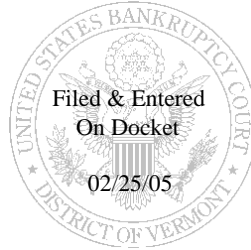


UNITED STATES BANKRUPTCY COURT
DISTRICT OF VERMONT

In re:

Virginia Frye
Debtor.



Chapter 13 Case
05-10004

Appearances: *David Lynch, Esq.*
Burlington, VT
Attorney for the Debtor

Douglas W. Wolinsky, Esq.
Burlington, VT
Attorney for Union Bank

ORDER
DEFINING ENFORCEABILITY OF PRE-PETITION AGREEMENT
AND SETTING LIMITED EVIDENTIARY HEARING

After due consideration of the entire record before the Court, and based upon the findings and conclusions set forth set forth in the memorandum of decision of even date,

IT IS HEREBY ORDERED that the parties shall present evidence on certain of the ten factors identified in the memorandum of decision as a prerequisite to the Court determining the enforceability of the subject pre-petition waiver and Union Bank's entitlement to relief from stay; and

IT IS FURTHER ORDERED that a hearing will be held on Thursday, March 10, 2005, from 10:30 a.m. until 12:30 P.M. at the Federal Courthouse, 4th floor courtroom, in Burlington, Vermont, at which the Debtor and Union Bank shall present evidence on the following issues:

- (1) whether the Debtor has equity in the mortgaged property;
- (2) whether other creditors would be prejudiced if the Court granted Union Bank's lift stay motion; and
- (3) whether the Debtor has the ability and likelihood of consummating an effective reorganization.

The hearing will be limited to two hours. Absent a showing of cause prior to March 3rd, the Court will not consider evidence at the March 10th hearing on any issue other than those specified above.

IT IS FURTHER ORDERED that the Debtor shall serve notice of the March 10th hearing on all creditors, the case trustee, and the Office of the U.S. Trustee by noon on February 25th, notifying them that if they wish to have their position considered at the March 10th hearing they must file written support or opposition to Union Bank's motion no later than March 3, 2005, and if they wish to present evidence in support of their position they must file a Rule 9014 statement as set forth below;

IT IS FURTHER ORDERED that the Debtor and Union Bank, and any other party wishing to present evidence at the March 10th hearing, shall file and serve (on the Debtor, case trustee and Union Bank) a Rule 9014 statement (preferably jointly) setting forth its list of witnesses, exhibits and evidentiary issues, if any, no later than noon on March 7, 2005.

SO ORDERED.

February 24, 2005
Burlington, Vermont



Colleen A. Brown
United States Bankruptcy Judge