

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF VERMONT

In re:

**VIRGINIA R. FRYE,**  
**Debtor.**

**Chapter 13 Case**  
**# 05-10004**

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

*Douglas J. Wolinsky, Esq.*  
*Burlington, VT*  
*Attorney for Union Bank*

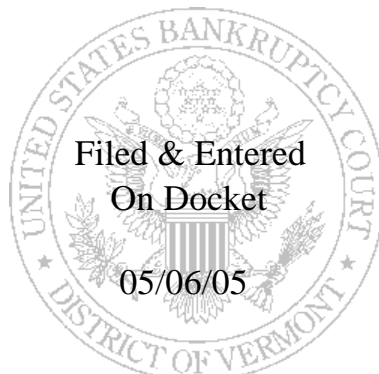
**AMENDED ORDER**  
**GRANTING UNION BANK'S MOTION FOR RELIEF FROM STAY**

Pursuant to Federal Rule of Bankruptcy Procedure 9023 and for the reasons set forth in the Memorandum of Decision and Order of this same date, the Court

1. denies the Debtor's motion to Amend the April 8<sup>th</sup> Memorandum of Decision except as set forth herein;
2. finds that Union Bank is entitled to enforce the Forbearance Agreement, to rely upon the Debtor's pre-petition waiver, and to obtain relief from stay against the parcels identified as the "Quarry Lot," the "Peck Lot" and the "Frye Home Farm;"
3. amends the April 8<sup>th</sup> Memorandum of Decision (doc. # 46) to reflect that the Subject Parcels include the following parcels: the "Quarry Lot," the "Peck Lot" and the "Frye Home Farm;"
4. vacates relief from stay on the 57-acre Family Lot which was erroneously included in the April 8<sup>th</sup> Memorandum of Decision (doc. #46);
5. amends the Court's April 8<sup>th</sup> Order Granting Union Bank's Motion for Relief from Stay (doc. # 47) to vacate the relief from stay granted on the 57-acre Family Lot;
6. waives the stay imposed by Fed. R. Bankr. P. 4001(a)(3); and
7. directs Union Bank to account to the Chapter 13 Trustee, and remit any surplus proceeds to him, within ten (10) days after the sale of its collateral.

**SO ORDERED.**

May 6, 2005  
Rutland, Vermont



*Colleen A. Brown*  
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Colleen A. Brown  
United States Bankruptcy Judge