

*Counsel for Virginia United Methodist Homes of Williamsburg, Inc., Debtor and Debtor In Possession*

	)	
In re:	)	
	)	Case No. 13-31098
VIRGINIA UNITED METHODIST HOMES	)	
OF WILLIAMSBURG, INC.,	)	Chapter 11
	)	
Debtor.	)	
	)	

The debtor and debtor in possession, Virginia United Methodist Homes of Williamsburg, Inc. (the “Debtor”), by counsel, hereby moves (the “Motion”) the Court to extend the deadline by which its May Monthly Operating Report is to be filed (the “May MOR”) from June 30, 2013 to July 15, 2013. In support of this Motion, the Debtor respectfully states the following:

1. This Court has jurisdiction to consider this Motion pursuant to 28 U.S.C. §§ 157 and 1334. This matter is a core proceeding within the meaning of 28 U.S.C. § 157(b).
2. Venue in this Court is proper under 28 U.S.C. §§ 1408 and 1409.

### **BACKGROUND**

3. On March 1, 2013 (the “Petition Date”), the Debtor filed a voluntary petition with this Court for relief under Chapter 11 of the Bankruptcy Code.

4. The Debtor is continuing to operate its business and manage its property as a debtor in possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code.

5. Pursuant to the Consent Order Conditioning Rights of Debtor in Possession entered on April 11, 2013, the May MOR is due on or before June 30, 2013. All prior MORs have been timely filed and the Debtor has otherwise fully complied with the Consent Order.

### **RELIEF REQUESTED AND BASIS FOR RELIEF**

6. By this Motion, the Debtor seeks entry of an order extending the deadline by which its May MOR is to be filed from June 30, 2013 to July 15, 2013.

7. May 31, 2013 marked the end of the Debtor’s fiscal year, and it was also the effective date of the Debtor’s confirmed Plan. Thus the Debtor and its professionals have been fully engaged in the process of completing all necessary financial/accounting reconciliations and financial statements. A short 15 day extension of the deadline for the filing of the May MOR will allow the Debtor to focus on closing out its fiscal year before filing its May MOR.

8. With the Plan now continued and effective and distributions made to creditors, no party in interest will be prejudiced by this short delay. The Debtor submits that the Court has the authority to extend the deadline pursuant to 11 U.S.C. § 105(a) (“The court may issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of this title.”).

### **NOTICE**

9. Notice of this Motion will be given to: (i) the Office of the United States Trustee for the Eastern District of Virginia; and (ii) registered users of the ECF system who have filed

notices of appearance in this case. The Debtor submits that, under the circumstances, no other or further notice of the Motion is required.

**WAIVER OF MEMORANDUM OF LAW**

10. Pursuant to Local Bankruptcy Rule 9013-1(G), and because there are no novel issues of law presented in the Motion, the Debtor requests that the requirement that all motions be accompanied by a separate memorandum of law be waived.

**CONCLUSION**

**WHEREFORE**, the Debtor respectfully requests that the Court (i) enter an Order, substantially in the form attached hereto as **Exhibit A**, extending the time for filing the May MOR to July 15, 2013; and (ii) grant the Debtor such further relief as may be just and proper.

Dated: June 28, 2013

By: /s/ Robert S. Westermann  
Counsel

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*Counsel for Virginia United Methodist Homes of Williamsburg, Inc.,  
Debtor and Debtor In Possession*

### **CERTIFICATE OF SERVICE**

I do hereby certify that on June 28, 2013, a true and complete copy of the foregoing Motion was filed and served using the Court's ECF system, which thereby caused the Motion to be electronically served on all registered users of the ECF system that have filed notices of appearance in this matter.

/s/ Robert S. Westermann  
Counsel

**EXHIBIT A**

**Proposed Order**

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*Counsel for Virginia United Methodist Homes of Williamsburg, Inc., Debtor and Debtor In Possession*

**IN THE UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

In re:	)	
	)	
VIRGINIA UNITED METHODIST HOMES	)	Case No. 13-31098
OF WILLIAMSBURG, INC.,	)	
	)	Chapter 11
Debtor.	)	
	)	

**ORDER EXTENDING THE DEADLINE FOR FILING  
THE MAY 2013 MONTHLY OPERATING REPORT**

This matter came before the Court upon the *Motion of the Debtor for Entry of Order Extending the Deadline for Filing the May 2013 Monthly Operating Report* (the “Motion”)<sup>1</sup>; and it appearing to the Court that proper and adequate notice of the request in the Motion has been given and that no other or further notice is necessary; and it appearing that the relief requested in the Motion is in the best interests of the Debtor’s estate, its creditors, and other parties in interest; and upon the record herein; and after due deliberation thereon; and good and sufficient cause appearing therefore,

**IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that:**

1. The request in the Motion is GRANTED.

<sup>1</sup> Capitalized terms not otherwise defined herein shall have the meanings ascribed to such terms in the Motion.

2. The deadline by which the Debtor's May MOR is to be filed is hereby extended from June 30, 2013 to July 15, 2013.

Dated: \_\_\_\_\_  
Richmond, Virginia

\_\_\_\_\_  
United States Bankruptcy Judge

Entered on Docket: \_\_\_\_\_

WE ASK FOR THIS:

/s/ Robert S. Westermann  
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*Counsel for Virginia United Methodist Homes of Williamsburg, Inc.,  
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SEEN AND NO OBJECTION:

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Robert B. Van Arsdale, Esquire  
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701 East Broad Street, Suite 4304  
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(804) 771-8004

*Assistant United States Trustee*

**CERTIFICATE OF ENDORSEMENT**

I hereby certify, under Local Rule 9022-1, that the foregoing proposed Order has been endorsed by and/or served upon all necessary parties.

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/s/ Robert S. Westermann  
Counsel