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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.,)	
Debtor.)	Chapter 11
)	

ORDER SUSTAINING DEBTOR’S OBJECTION TO CLAIM NO. 43

This matter came before the Court upon the *Debtor’s Objection to Claim No. 43* (the “Objection”)¹ and addressing the Claim filed by Resident #0312-1; it appearing to the Court that the relief requested in the Objection is in the best interests of the bankruptcy estate, creditors, and other parties in interest; it further appearing to the Court that (i) proper notice of the Objection has been provided to all necessary parties, and no further notice being necessary, (ii) the Court’s consideration of the Objection is proper and the relief requested therein is a core proceeding pursuant to 28 U.S.C. §§ 157 and 1334, (iii) venue is proper under 28 U.S.C. §§ 1408 and 1409, and (iv) no responses or objections to the Objection have been filed, or if filed have been resolved or overruled; and after due deliberation and sufficient cause appearing therefore, it is hereby

¹ Capitalized terms not otherwise defined herein shall have the meanings ascribed to such terms in the Objection.

ORDERED, ADJUDGED, AND DECREED that:

1. The Objection is sustained in its entirety.
2. The Claim shall be, and hereby is modified by increasing the Claim amount from \$0 to \$409,492.00, and changing the classification of the Claim from an unsecured claim to a contingent, unsecured claim.
3. The Debtor shall not be required to remit distributions to Resident #0312-1 based upon the modified Claim until such time as the conditions that would require the Debtor to pay the refundable portion of Resident #0312-1's Entrance Fee have been met and/or in accordance with the terms of his Residency Agreement.
4. The Order is effective without further action by the Debtor or Resident #0312-1.
5. The Debtor is authorized to take all action necessary to effectuate the relief granted pursuant to this Order and in accordance with the Objection.
6. The terms and conditions of this Order shall be immediately effective and enforceable upon its entry and any applicable stay is waived.
7. The Court shall retain jurisdiction with respect to all matters arising from or related to the implementation of this Order.

Dated: _____
Richmond, Virginia

United States Bankruptcy Judge

Entered on Docket: _____

We ask for this:

/s/ Sheila deLa Cruz
Robert S. Westermann (VSB No. 43294)

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*Admitted *pro hac vice*

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

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.

/s/ Sheila deLa Cruz

Counsel