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UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re:

ROBERT C. GRAHAM, LTD. fdba ROB
GRAHAM & ASSOCIATES fdba
LAWYERSWEST,

Debtor.

Case No. BK-S-16-16655-BTB
Chapter 7

**STIPULATION TO APPROVE FIRST
AMENDMENT TO AGREEMENT TO
TOLL STATUTE OF LIMITATIONS
AND STATUTE OF REPOSE**

Date of Hearing: N/A
Time of Hearing: N/A

Judge: Honorable Bruce T. Beesley¹

Shelley D. Krohn, the duly appointed Chapter 7 Trustee in the above-captioned bankruptcy case (the “Trustee”), by and through her counsel, Jacob L. Houmand, Esq. and Kyle J. Ortiz, Esq. of the Houmand Law Firm, Ltd., and the Corporation of the President of the Church of Jesus Christ of Latter-Day Saints (the “Church” and together with the Trustee, the “Parties”), by and through its counsel, Justin W. Starr, Esq. of the law firm of Kirton McConkie, hereby stipulate and agree as follows:

...

¹ Unless otherwise indicated, all chapter and section references are to the Bankruptcy Code, 11 U.S.C. §§ 101-1532, and to the Federal Rules of Bankruptcy Procedure, Rules 1001-9037. The Federal Rules of Civil Procedure will be referred to as “FRCP” and the Federal Rules of Bankruptcy Procedure will be referred to as “FRBP.” The Local Rules of Practice for the United States Bankruptcy Court for the District of Nevada shall be referred to as the “Local Rules”.

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RECITALS

1
2 1. On December 15, 2016, an *Involuntary Bankruptcy Petition* [ECF No. 1]² (the
3 “Involuntary Petition”) was filed against Robert C. Graham, Ltd. fdba Rob Graham & Associates
4 fdba Lawyerswest (the “Debtor”) pursuant to 11 U.S.C. § 303. The Involuntary Petition was filed
5 by the Estate of Michael B. Macknin, the Sharona Dagani Trust, and the Margueritte Owens
6 Revocable Trust (collectively, the “Petitioning Creditors”).

7 2. On December 16, 2016, the Petitioning Creditors filed a *Motion to Appoint Interim*
8 *Trustee in Involuntary Case* [ECF No. 3] (the “Interim Trustee Motion”), which sought authority
9 to appoint an interim trustee to take possession of property and to manage the business operations
10 and assets of the Debtor.

11 3. On December 21, 2016, the Bankruptcy Court entered an *Order on Trustee Motion*
12 *and Order for Relief Under Chapter 7* [ECF No. 21] (the “Order for Relief”). The Order for
13 Relief provided that the Debtor had consented to the filing of a bankruptcy petition and that the
14 filing of the bankruptcy case was effective as of December 15, 2016 (the “Petition Date”). The
15 Order for Relief further required that the Office of the United States Trustee (the “U.S. Trustee”)
16 appoint an Interim Chapter 7 Trustee pursuant to 11 U.S.C. § 701.

17 4. On December 22, 2016, Victoria L. Nelson (“Trustee Nelson”) was appointed as
18 the Chapter 7 Trustee in the Debtor’s bankruptcy case [ECF No. 22].

19 5. On January 13, 2018, Trustee Nelson died.

20 6. On January 19, 2018, the Trustee was appointed as the successor Chapter 7 Trustee
21 in the Debtor’s bankruptcy case.

22 7. The Trustee has investigated the Debtor’s financial affairs and believes that there
23 may be a basis to seek avoidance and recovery of certain pre-petition transfers that were made by
24 the Debtor to the Church under applicable state and federal law (collectively, the “Claims”).

25 ...

26 ...

27 _____
28 ² All references to “ECF No.” are to the numbers assigned to the documents filed in the above-
referenced case as they appear on the docket maintained by the clerk of the court.

1 2. Any and all applicable statutes of limitation and statutes of repose relating to the
2 Claims shall be tolled until December 15, 2019, as set forth in the First Amendment to Tolling
3 Agreement; and

4 3. The Parties have authority to enter into the First Amendment to Tolling
5 Agreement; and

6 4. This Stipulation is without prejudice to the Parties agreeing to a further extension
7 of the tolling period set forth in the Tolling Agreement and the First Amendment to Tolling
8 Agreement.

9 Dated this 12th day of June, 2019.

Dated this 12th day of June, 2019.

10 By: /s/ Kyle J. Ortiz
11 Jacob L. Houmand, Esq. (NV Bar No. 12781)
12 Kyle J. Ortiz, Esq. (NV Bar No. 14252)
13 Houmand Law Firm, Ltd.
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15 Las Vegas, NV 89148

By: /s/ Justin W. Starr
Justin W. Starr, Esq.
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14 *Counsel for Shelley D. Krohn, Chapter 7
15 Trustee*

Counsel for the Church

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