

1 Jacob L. Houmand, Esq. (NV Bar No. 12781)  
2 Email: jhoumand@nelsonhoumand.com  
3 NELSON & HOUMAND, P.C.  
3900 Paradise Road; Suite U  
4 Las Vegas, Nevada 89169-0903  
Telephone: 702/720-3370  
Facsimile: 702/720-3371

*Electronically Filed On: February 17, 2015*

5 *[Proposed] Counsel for Victoria L. Nelson, Chapter 7 Trustee*

6  
7  
8 **UNITED STATES BANKRUPTCY COURT**  
9 **DISTRICT OF NEVADA**

10 In re:  
11 AMERI-DREAM REALTY, LLC,  
12 Debtor.

Case No. BK-S-15-10110-LED  
Chapter 7

**DECLARATION OF KEN CHUPINSKY**  
**IN SUPPORT OF TRUSTEE'S**  
**APPLICATION TO (1) EMPLOY NELLIS**  
**AUCTION AS AUCTIONEER TO SELL**  
**PERSONAL PROPERTY, PAY**  
**COMMISSION, REIMBURSE EXPENSES**  
**AND (2) APPROVE THE SALE OF**  
**PERSONAL PROPERTY FREE AND**  
**CLEAR OF LIENS, CHARGES,**  
**INTEREST AND ENCUMBRANCES**  
**PURSUANT TO 11 U.S.C. § 363**

Date of Hearing: *OST Pending*  
Time of Hearing: *OST Pending*  
Place: Courtroom No. 3, Third Floor  
Foley Federal Building  
300 Las Vegas Blvd., S.  
Las Vegas, NV 89101

Judge: Honorable Laurel E. Davis

22 I, Ken Chupinsky, declare as follows:

23 1. I am over the age of 18 years and I am competent to make this declaration. I have  
24 personal knowledge of the facts set forth herein, except for those facts stated on information and  
25 belief and, as to those facts, I am informed and believe them to be true. If called as a witness, I

NELSON & HOUMAND, P.C.  
3900 Paradise Road, Suite U  
Las Vegas, Nevada 89169  
Telephone: (702) 720-3370  
Facsimile: (702) 720-3371

1 could and would testify as to the matters set forth below based upon my personal knowledge.<sup>1</sup>

2 2. I am the principal of Nellis Auction.

3 3. I make this declaration in support of the Trustee's Application to (1) Employ  
4 Nellis Auction as Auctioneer to Sell Personal Property, Pay Commission, Reimburse Expenses  
5 and (2) Approve the Sale of Personal Property Free and Clear of Liens, Charges, Interest and  
6 Encumbrances Pursuant to U.S.C. §363 (the "Application").<sup>2</sup>

7 4. This Declaration is made pursuant to 11 U.S.C. § 329 and Federal Rule of  
8 Bankruptcy Procedure 2014(b) and is in support of the Application.

9 5. When the principal of Ameri-Dream Realty, LLC (the "Debtor") vacated the  
10 premises located at 4875 Nevso Drive, Las Vegas, Nevada (the "Property"), personal property  
11 was left behind including file cabinets, office equipment, various furniture, including, tables and  
12 chairs (the "Personal Property").

13 6. In order to liquidate the Personal Property for the benefit of the creditors, it will be  
14 necessary to sell the Personal Property.

15 7. It is my belief that the best and highest net recovery to the bankruptcy estate will  
16 arise by selling the Personal Property at an auction through the employment and services of a  
17 licensed auctioneer.

18 8. Nellis Auction will inventory all merchandise prior to the sale.

19 9. All equipment and inventory will be arranged prior to the sale and preview to  
20 assure security and facilitate the buyers' inspection.

21 10. Nellis Auction will prepare and mail and/or email an auction notice to a list of over  
22 four thousand (4,000) potential bidders consisting of previous auction customers.

23  
24 <sup>1</sup> Unless otherwise indicated, all chapter and section references are to the Bankruptcy Code, 11  
25 U.S.C. §§ 101-1532, and to the Federal Rules of Bankruptcy Procedure, Rules 1001-9037. The  
26 Federal Rules of Civil Procedure will be referred to as "FRCP" and the Federal Rules of  
27 Bankruptcy Procedure will be referred to as "FRBP." The Local Rules of Practice for the United  
28 States Bankruptcy Court for the District of Nevada shall be referred to as the "Local Rules."

<sup>2</sup> All defined terms herein shall have the same meaning ascribed to them in the Application unless  
otherwise provided.

NELSON & HOUMAND, P.C.  
3900 Paradise Road, Suite U  
Las Vegas, Nevada 89169  
Telephone: (702) 720-3370  
Facsimile: (702) 720-3371

1 11. The assets will be featured on the website of Nellis Auction at  
2 [www.nellisauktion.com](http://www.nellisauktion.com) and on the website of Nelson & Houmand, P.C. at  
3 <http://nelsonhoumand.com/ameri-dream-realty-llc/>. In addition, Nellis Auction will promote the  
4 sale through their online auctioneering website.

5 12. The proposed location of the auction is via a live on-line auction format with live  
6 auction previews from 9:00 a.m. to 4:00 p.m. on the date of the auction with Buyer's removal to  
7 be complete within two (2) days following the auction.

8 13. The terms of the sale will be cash or cash equivalent on the day of the sale with the  
9 title to the Personal Property to be transferred upon payment.

10 14. Auction customers will be charged a fifteen percent (15%) buyer's fee for the  
11 purchased Personal Property, which will be added to the successful bidders invoice as a service  
12 charge to attend the auction.

13 15. Nellis Auction is responsible for all advertising and labor costs for conducting the  
14 auction.

15 16. Nellis Auction is bonded in the amount of One Hundred Thousand Dollars  
16 (\$100,000) and its bond is on file with the Office of the United States Trustee.

17 17. Following the Trustee's request that Nellis Auction serve as auctioneer in the  
18 above-captioned bankruptcy case, a conflicts check was undertaken, utilizing Nellis Auction's  
19 client list. Based upon the conflicts check and my information and belief, I believe that Nellis  
20 Auction and its employees are "disinterested persons" as defined by 11 U.S.C. § 101 and do not  
21 hold or represent any interest adverse to the bankruptcy estate.

22 18. The conclusion that Nellis Auction is a "disinterested" person within the meaning  
23 of 11 U.S.C. § 101(14) for purposes of 11 U.S.C. § 327(a) is based upon the fact neither Nellis  
24 Auction nor any of its employees:

- 25 (a) Are or were a creditor, equity security holder, or insider of  
26 the Debtor;
- 27 (b) Are or were, within two (2) years before the date of the  
28 filing the bankruptcy petition, a director, officer or

NELSON & HOUMAND, P.C.  
3900 Paradise Road, Suite U  
Las Vegas, Nevada 89169  
Telephone: (702) 720-3370  
Facsimile: (702) 720-3371

employee of Debtor as specified in subparagraph (c) of Section 101(14);

(c) Hold, or have ever held, an interest materially adverse to the interest of the estate or of any class of creditors, equity holders, or parties in interest, by reason of any direct or indirect relationship to, or interest in, the Debtor or for any other reason except as stated herein;


(d) Represent, or have ever represented, the Debtor, insiders of the Debtor, creditors of the Debtor, any other party in interest, or their respective attorneys and accountants except as set forth herein; and

(d) Is a relative or employee of the U.S. Trustee or a Bankruptcy Judge except as stated herein.

19. To the best of my knowledge and belief, Nellis Auction represents no interest that is adverse to the Trustee, to the Debtor's estate, any creditor, any party in interest, the U.S. Trustee, or any attorney or accountant employed by the foregoing, in matters upon which it will be engaged as auctioneer.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Dated this 17th day of February, 2015.

  
\_\_\_\_\_  
Ken Chupinksy

NELSON & HOUMAND, P.C.  
3900 Paradise Road, Suite U  
Las Vegas, Nevada 89169  
Telephone: (702) 720-3370  
Facsimile: (702) 720-3371

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28