

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

Electronically Filed On: February 2, 2015

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

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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 VICTORIA L. NELSON IN SUPPORT OF APPLICATION TO EMPLOY NELSON & HOUMAND, P.C., NUNC PRO TUNC, AS GENERAL BANKRUPTCY COUNSEL FOR VICTORIA L. NELSON, CHAPTER 7 TRUSTEE PURSUANT TO 11 U.S.C. §§ 327(a) AND 328(a) AND FEDERAL RULE OF BANKRUPTCY PROCEDURE 2014

Date of Hearing: March 31, 2015
Time of Hearing: 2:30 p.m
Place: Courtroom No. 3, Third Floor
Foley Federal Building
300 Las Vegas Blvd., S.
Las Vegas, NV 89101

Judge: Honorable Laurel E. Davis

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22 I, Victoria L. Nelson, declare as follows:

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24 1. I am over the age of 18 years and I am competent to make this declaration. I have
25 personal knowledge of the facts set forth herein, except for those facts stated on information and
26 belief and, as to those facts, I am informed and believe them to be true. If called as a witness, I
27 could and would testify as to the matters set forth below based upon my personal knowledge.

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2. I am the appointed Chapter 7 Trustee in the above-captioned bankruptcy case.

3. I make this declaration in support of the Application to Employ Nelson & Houmand, P.C., *Nunc Pro Tunc*, as General Bankruptcy Counsel for Victoria L. Nelson, Chapter 7 Trustee Pursuant to 11 U.S.C. §§ 327(a) and 328(a) and Federal Rule of Bankruptcy Procedure 2014 (the "Application").¹

4. On January 9, 2015, Ameri-Dream Realty, LLC (the "Debtor") filed a voluntary bankruptcy pursuant to Chapter 7 of Title 11 of the United States Code [ECF No. 1].²

5. On January 9, 2015, I was appointed as the Chapter 7 Trustee in the Debtor's bankruptcy case [ECF No. 4].

6. The Debtor is a real estate brokerage firm that represents clients in the purchase and sale of real property throughout Las Vegas, Nevada.

7. The Debtor also has a property management division that manages hundreds of rental properties for various landowners and tenants throughout Las Vegas, Nevada. As part of its property management division, the Debtor has executed real property management agreements (collectively, the "Property Management Agreements") with landowners whereby the Debtor agreed to perform the following services: (a) the monthly collection of rents from tenants, (b) payment of Homeowner Association ("HOA") fees, (c) the general repair and maintenance of the properties at issue, and (d) the segregation of security deposits (the "Security Deposits") pursuant to Nevada Revised Statute ("N.R.S.") Chapter 645.

8. After the filing of the Debtor's bankruptcy case, I was informed that the spouse of the Debtor's principal improperly transferred approximately One Million One Hundred Dollars (\$1,100,000) from the Security Deposits to the Philippines. These actions have resulted in a

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." Unless otherwise expressly stated herein, all undefined, capitalized terms shall have the meaning ascribed to them in the Application.

² All references to "ECF No." are to the numbers assigned to the documents filed in the case as they appear on the docket maintained by the clerk of the court.

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1 significant deficiency in the amount of Security Deposits that the Debtor was required to hold in
2 trust pursuant to the Property Management Agreements and N.R.S. Chapter 645.

3 9. In order to assist me in administering the Debtor’s bankruptcy case, recovering
4 other assets that may be available for distribution to creditors and fulfilling my statutory
5 obligations under Section 704, including my responsibility to investigate the financial affairs of
6 the Debtor, I now seek to employ the law firm of Nelson & Houmand, P.C. (the “Firm”), as
7 general bankruptcy counsel in the Debtor’s bankruptcy case.

8 10. The Application seeks employment of the Firm *nunc pro tunc* effective as of
9 January 13, 2015, in order to account for time spent meeting with the Debtor’s principal and
10 various real estate agents that were previously employed by the Debtor in order to develop a
11 strategy in administering the Debtor’s bankruptcy case.

12 11. The approval of the Firm’s employment *nunc pro tunc* effective as of January 13,
13 2015, is necessary in order to account for time spent in meeting with the Debtor’s principal and
14 real estate agents previously employed by the Debtor that were crucial in developing a strategy in
15 administering the Debtor’s bankruptcy case.

16 12. The facts of the Debtor’s bankruptcy case are particularly complicated given the
17 allegations of the embezzlement of Security Deposits and the nature of the Debtor’s business as a
18 property manager for hundreds of properties throughout the Las Vegas valley.

19 13. Since January 13, 2015, the Firm has been conducting significant legal research
20 regarding the treatment of security deposits currently held in trust by the Debtor and the treatment
21 of the existing property management agreements that were entered into between the Debtor and
22 various property owners.

23 14. Due to the significant amount of legal work that was performed following the first
24 communication with me regarding the instant case, the Firm was unable to file the Employment
25 Application until February 2, 2015. The period between the Firm commencing its representation
26 of the Trustee and the filing of the Employment Application was less than three (3) weeks, which
27 is reasonable in light of the complexity of the Debtor’s mega bankruptcy case.

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1 15. I believe that the Firm’s representation of the Debtor’s bankruptcy estate during
2 the period between January 13, 2015, and February 2, 2015, has benefitted the Debtor’s
3 bankruptcy estate.

4 16. Pursuant to Section 327, I desire to employ the Firm to render the following
5 professional services:

- 6 (a) To investigate the financial affairs of the Debtor and
7 determine if there are any preferential transfers, fraudulent
8 conveyances, or turnover actions that may be filed on behalf
9 of the bankruptcy estate pursuant to 11 U.S.C. §§ 542, 544,
10 547, and 548.
- 11 (b) To prosecute any and all preferential transfers, fraudulent
12 conveyances, or turnover actions that may be filed on behalf
13 of the bankruptcy estate pursuant to 11 U.S.C. §§ 542, 544,
14 547, and 548.
- 15 (c) To advise me of my rights and obligations and performance
16 of my duties during the administration of this bankruptcy
17 case;
- 18 (d) To represent me in all proceedings before this Court and any
19 other court which assumes jurisdiction of a matter related to
20 or arising in this bankruptcy case;
- 21 (e) To assist me in the performance of my duties as set forth in
22 11 U.S.C. §§ 1104 and 1106;
- 23 (f) To assist me in developing legal positions and strategies
24 with respect to all facets of these proceedings; and
- 25 (g) To provide such other counsel and advice as I may require
26 in connection with this bankruptcy case.

27 17. I have selected the Firm because its attorneys have experience in matters of this
28 character, are familiar with bankruptcy practice and are qualified to represent my interests in this
case.

 18. Subject to Court approval, in accordance with 11 U.S.C. § 330, I seek to retain the
Firm on an hourly basis at the customary and standard rates that the Firm charges for similar
representation, plus reimbursement of actual and necessary expenses incurred by the Firm in
performing its duties.

...

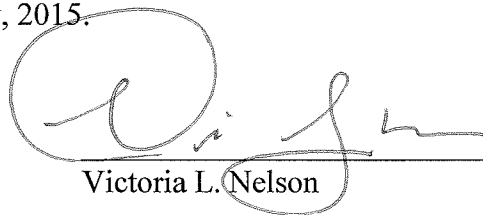
1 19. The Firm proposes the compensation of attorneys be at varying rates currently
2 ranging from \$300 per hour to \$325 per hour for the services of attorneys, subject to change from
3 time to time, and all subject to application to, and approval by, this Court pursuant to Sections
4 330 and 331 of the Bankruptcy Code.

5 20. The Firm proposes the compensation of paraprofessionals be at varying rates
6 currently ranging from \$175 per hour for paraprofessionals, subject to change from time to time,
7 and all subject to application to, and approval by, this Court pursuant to Sections 330 and 331 of
8 the Bankruptcy Code.

9 21. **I am a member of the Firm and regularly employ the Firm to represent**
10 **bankruptcy estates in other unrelated bankruptcy cases in which I am a Trustee. I will not**
11 **personally bill any legal fees in this case.**

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

14 Dated this 2nd day of February, 2015.

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16 _____
17 Victoria L. Nelson

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