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

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

Electronically Filed On: February 5, 2015

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re: AMERI-DREAM REALTY, LLC, Debtor.	Case No. BK-S-15-10110-LED Chapter 7 **APPLICATION FOR ORDER LIMITING NOTICE AND MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT THEREOF** 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

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

Victoria L. Nelson, the appointed Chapter 7 Trustee in the above-captioned bankruptcy case (the "Trustee"), by and through her proposed counsel of record Jacob L. Houmand, Esq. of the law firm of Nelson & Houmand, P.C., hereby moves this court for an order under Bankruptcy Rule 2002(m) establishing limited noticing requirements with respect to all proceedings in this case (the "Application").[1] As more particularly set forth below, the Trustee requests that the

[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

Court (i) establish a limited service list (the "Official Service List"); (ii) limit notice of proceedings in this case to the parties on the Official Service List; (iii) approve the form and manner of notice to be transmitted to parties in interest concerning establishment of the Official Service List; and (iv) provide notice to all other parties in interest other than those identified on the Official Service List via a website established and maintained by the Trustee. Attached hereto as **Exhibit "1"** is a copy of the proposed Order.

The Application is based on the following Memorandum of Points and Authorities, the Declaration of Victoria L. Nelson In Support of the Trustee's Application for Order Limiting Notice and Memorandum of Points and Authorities in Support Thereof (the "Nelson Declaration"), of which is filed separately and concurrently with this Court pursuant to Local Rule 9014(c)(2). This Application is also based on the pleadings and papers on file herein.[2]

Dated this 5th day of February, 2015.

NELSON & HOUMAND, P.C.

/s/ Jacob L. Houmand
Jacob L. Houmand, Esq. (NV Bar No. 12781)
3900 Paradise Road; Suite U
Las Vegas, Nevada 89169-0903
Telephone: 702/720-3370
Facsimile: 702/720-3371

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

NELSON & HOUMAND, P.C.
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Las Vegas, Nevada 89169
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[2] The Trustee also requests that the Court take judicial notice of all pleadings filed in the above-referenced bankruptcy case, including adversary proceedings, pursuant to Rule of Evidence 201, incorporated by reference by FRBP 9017.

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MEMORANDUM OF POINTS AND AUTHORITIES

I. JURISDICTION AND VENUE

1. This Court has jurisdiction over this matter 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)(A). Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

2. The statutory predicates for the relief requested herein are sections 105 of the Bankruptcy Code and Bankruptcy Rule 2002(i) and (m) and Rule 9007 of the Federal Rules of Bankruptcy Procedures and LR 1007(c).

II. STATEMENT OF FACTS

3. 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].[3] *See* Nelson Declaration.

4. On January 9, 2015, Victoria L. Nelson was appointed as the Chapter 7 Trustee in the Debtor's bankruptcy case [ECF No. 4]. *See* Nelson Declaration.

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

6. The Debtor also has a property management division that manages hundreds of rental properties for various landowners and tenants throughout Las Vegas, Nevada.

7. The mailing matrix currently consists of approximately Two Thousand Eight Hundred (2,800) creditors and/or parties in interest. The mailing of any Notice will cost the bankruptcy estate a minimum of approximately One Thousand Three Hundred Fifty Dollars ($1,350.00) per mailing.

III. RELIEF REQUESTED

8. Bankruptcy Rule 2002 requires that all "parties in interest" must receive, *inter alia* and, with certain exceptions, notice of (a) proposed uses, sales, or leases of property of the estate;

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[3] 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.

(b) hearings on approval of compromise or settlements; (c) the hearing on dismissal or conversion of a case to another chapter; (d) hearings on all applications for compensation or reimbursement of expenses (collectively, the "Rule 2002 Matters").

9. The parties in interest in the above-referenced bankruptcy case currently total approximately Two Thousand Eight Hundred (2,800) parties including unsecured creditors, realtors who were once employed by the Debtor[4], and homeowners. With this large number of creditors and parties in interest, the Trustee would be required to expend a substantial portion of its assets in copying costs, postage charges which total a minimum of approximately One Thousand Three Hundred Fifty Dollars ($1,350.00) per mailing, and other handling expenses associated with large mailings for each Rule 2002 Matter. The Trustee, therefore, seeks to establish modified noticing requirements that will limit the administrative costs of maintaining this Chapter 7 bankruptcy case. It should be noted, however, that the Trustee will be filing a motion to reject the property management agreements[5] and that notice of the motion to reject the property management agreements will be served on the entire creditor matrix.

IV. BASIS FOR RELIEF

10. The Bankruptcy Rules confer authority upon this Court to regulate notice requirements. Bankruptcy Code section 102(1)(A) defines the phrase "after notice and a hearing" to mean: "[A]fter such notice as is appropriate in the particular circumstances, and such opportunity for a hearing as is appropriate in the particular circumstances … ." 11 U.S.C. § 102(1)(A).

11. Section 105(d) of the Bankruptcy Code grants the court authority to, "unless inconsistent with another provision of this title or the applicable [Bankruptcy Rules], issue an

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[4] Upon information and belief, the realtors who are no longer employed by the Debtor have sought and obtained employment with other brokers throughout the Las Vegas valley and are administering property management services for many of the home owners who were once serviced by the Debtor.

[5] There are literally hundreds of property management agreements which the Trustee intends to reject.

NELSON & HOUMAND, P.C.
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Facsimile: (702) 720-3371

order … prescribing such limitations and conditions as the court deems appropriate to ensure that the case is handled expeditiously and economically. 11 U.S.C. § 105(d).

12. Additionally, section 105(a) of the Bankruptcy Code provides that "the court may issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of this title. 11 U.S.C. § 105(a).

13. Bankruptcy Rule 2002(m) provides that a court may "enter orders designating the matters in respect to which, the entity to whom, and the form and manner in which notices shall be sent except s otherwise provided by these rules."

14. The Trustee proposes to establish an Official Service List, a copy of which is attached to the Nelson Declaration as Exhibit "1." The Official Service List will include the Debtor's counsel of record, parties in interest who formally request notice by filing a written request for notice with the Clerk of the Court, and other governmental agencies required to receive notice of proceedings under the Bankruptcy Rules and Local Bankruptcy Rules. The parties in interest required to receive notice of proceedings would be limited to those parties included on the Official Service List, those filing a notice of appearance and request for service, and any other persons whose rights or interests are directly affected by any particular proceeding in these cases.

15. All parties in interest who are not identified on the Official Service List can receive relevant information concerning the Debtor including notice of proceedings filed in this bankruptcy case via a website containing general information regarding the bankruptcy case including scheduled up-coming hearings which is located at http://nelsonhoumand.com/ameri-dream-realty-llc. A website has also been established which provides the entire court docket in which parties can view the pleadings filed in this bankruptcy case which is located at http://nelsonhoumand.com/ameri-dream-realty-court-documents. These websites have been established and are maintained by the Trustee.

16. The proceedings with respect to which notice would be limited to the Official Service List would include all proceedings in which notice must be given to all parties in interest including Rule 2002 Matters.

NELSON & HOUMAND, P.C.
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17. Although the Official Service List would be presumed to satisfy all noticing obligations with respect to all proceedings, the Trustee proposes to preserve the rights of parties in interest, including the Trustee, to request that the Court enter an order broadening or further limiting the Official Service List if the facts and circumstances with respect to a particular proceeding so warrants.

18. However, in the event the Local Bankruptcy Rules specifically prescribe that notice of a proceeding shall be given to parties in interest that are in number less than the parties on the official Service List, the Trustee proposes to provide notice only to the parties in interest specified in the Local Bankruptcy Rules.

19. In order to establish the Official Service List and to give all significant parties in interest the opportunity to be included on the Official Service List, the Trustee proposes to serve upon all known creditors and parties in interest a notice that they must file a written request to be included on the Official Service List if they desire to receive notice of all the proceedings in this bankruptcy case.

20. The Trustee further requests that the Court approve as to form the *Notice of Requirement for Filing Written Request with Court to be Included on Official Service List for Notice of Proceedings* (the "Notice") attached as Exhibit "2" to the Nelson Declaration.

21. The establishment of noticing requirements will promote the Trustee's efforts in administering this bankruptcy estate by preserving assets that would otherwise be consumed by unnecessary copying, postage, and related expenses. This relief will benefit the bankruptcy estate and its creditors, and will not prejudice the rights of any party in interest in this bankruptcy case.

22. Orders with respect to noticing relate to the routine administration of a case and may be entered by the Court in its sole discretion. Accordingly, the Trustee requests that the Court grant the relief requested without requiring notice.

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NELSON & HOUMAND, P.C.
3900 Paradise Road, Suite U
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V. CONCLUSION

For the foregoing reasons, the Trustee respectfully requests that the Court enter an order establishing noticing requirements as set forth above and for such other and further relief as is just and proper.

Dated this 5th day of February, 2015.

NELSON & HOUMAND, P.C.

/s/ Jacob L. Houmand

Jacob L. Houmand, Esq. (NV Bar No. 12781)
3900 Paradise Road; Suite U
Las Vegas, Nevada 89169-0903
Telephone: 702/720-3370
Facsimile: 702/720-3371

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

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

EXHIBIT "1"

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

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

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Telephone: (702) 720-3370
Facsimile: (702) 720-3371

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re: AMERI-DREAM REALTY, LLC, Debtor.	Case No. BK-S-15-10110-LED Chapter 7 **ORDER GRANTING APPLICATION FOR ORDER LIMITING NOTICE AND MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT THEREOF** Date of Hearing: Time of Hearing: Place: Courtroom No. 3, Third Floor Foley Federal Building 300 Las Vegas Blvd., S. Las Vegas, NV 89101 Judge: Honorable Laurel E. Davis

This matter came before this court on the Trustee's Application for Order Limiting Notice and Memorandum of Points and Authorities in Support Thereof (the "Application"), filed on February 5, 2015, by Victoria L. Nelson, the Chapter 7 Trustee in the above-captioned bankruptcy case (the "Trustee") by and through her proposed counsel of record, Jacob L. Houmand, Esq. of

the Law Firm of Nelson & Houmand, P.C. The Application sought authority to (i) establish a limited service list (the "Official Service List"); (ii) limit notice of proceedings in this case to the parties on the Official Service List; (iii) approve the form and manner of notice to be transmitted to parties in interest concerning establishment of the Official Service List; and (iv) provide notice to all other parties in interest other than those identified on the Official Service List via a website established and maintained by the Trustee.

The Court reviewed the Application, the Declaration of Victoria L. Nelson In Support of Trustee's Application for Order Limiting Notice and Memorandum of Points and Authorities Thereof, and all of the pleadings and papers on file herein. Based on this review and consideration and good cause appearing, it is hereby,

ORDERED that the Application is **GRANTED** in its entirety; and

IT IS FURTHER ORDERED that whenever the Bankruptcy Rules or Local Rules require notice to be given to all creditors, including Bankruptcy Rule 2002(a), (b) and (f), service shall be made upon the parties on the Official Service List (the "Official Service List"), which shall consist of, at a minimum, the Debtor's counsel, the United States Trustee, and any party requesting notice by the party's filing of a notice of appearance and request for notice; and

IT IS FURTHER ORDERED that the Trustee's counsel shall be responsible for the maintenance of the Official Service List in accordance with this Order; and

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IT IS FURTHER ORDERED that the Trustee's counsel shall serve a copy of this Order, together with the Notice of Requirement for Filing Written Requests with the Court to be Included on Official Service List for Notice of Proceedings (attached as Exhibit "2" to the Nelson Declaration in Support of Trustee's Application for Order Limiting Notice and Memorandum of Points and Authorities in Support Thereof which was filed separately and concurrently with the Application for Order Limiting Notice and Memorandum of Points and Authorities in Support Thereof) on all parties in interest.

IT IS SO ORDERED.

Prepared and Submitted By:

NELSON & HOUMAND, P.C.

Jacob L. Houmand, Esq. (NV Bar No. 12781)
3900 Paradise Road; Suite U
Las Vegas, Nevada 89169-0903
Telephone: 702/720-3370
Facsimile: 702/720-3371

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

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