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7 **UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF NEVADA**

8 In re:) Case No.: 15-10110-LED
9)
10 AMERI-DREAM REALTY, LLC,) Chapter 7
11)
Debtor.)
12)
13) Adv. No.: 15-01087-LED
14)
15 VICTORIA NELSON, In her Capacity As The)
Chapter 7 Trustee of AMERI-DREAM)
16 REALTY, LLC,)
17)
18)
Plaintiff,)
19)
20)
v.)
21)
22)
23)
24)
25)
26)
27)
ELSIE PELADAS-BROWN,)
Defendant.)

19 **DECLARATION OF BRYAN A. LINDSEY, ESQ. IN SUPPORT**
20 **OF EX PARTE REQUEST FOR ENTRY OF DEFAULT BY CLERK**

21 STATE OF NEVADA)
22) ss.
23 COUNTY OF CLARK)

24 BRYAN A. LINDSEY, ESQ., being duly sworn, deposes and says:

25 1. I am over the age of 18, mentally competent and am an attorney with Schwartz
26 Flansburg PLLC (“SF”) duly licensed to practice law in the State of Nevada. SF is retained
27

1 counsel for Victoria Nelson (the “**Trustee**”), in her capacity as the Chapter 7 Trustee of Ameri-
2 Dream Realty, LLC, the plaintiff in the above-captioned adversary proceeding.

3 2. I have personal knowledge of the facts set forth in this Declaration, except to
4 those facts stated on information and belief, which I believe to be true.

5 3. On May 21, 2015, the Trustee filed her complaint against Elsie Peladas-Brown
6 (the “**Defendant**”), thereby commencing this adversary proceeding.

7 4. On May 22, 2015, this Court issued a summons to be served upon the defendant.
8
9 Docket No. 5.

10 5. On May 27, 2015, SF mailed a copy of the summons and complaint to the
11 Defendant at her last known address is Las Vegas, Nevada.

12 6. On June 12, 2015, SF e-mailed a copy of the summons and complaint to the
13 Defendant at her last known e-mail address, which e-mail was not returned as undeliverable.

14 7. On June 22, 2015, the Trustee, through her counsel, filed an ex-parte application
15 for an order allowing service upon the Defendant by publication in the Las Vegas Review
16 Journal in Las Vegas, Nevada. Docket No. 6.

17 8. On June 23, 2015, this Court entered an order allowing service upon the
18 Defendant by publication in the Las Vegas Review Journal in Las Vegas, Nevada. Docket No. 7.

19 9. Thereafter, service upon the Defendant was made by publication in the Las Vegas
20 Review Journal in Las Vegas, Nevada for 5 editions of the newspaper, appearing in the issues
21 from June 27, 2015 to July 25, 2015, on the following days: June, 27, 2015, July 4, 2015, July
22 11, 2015, July 18, 2015, and July 25, 2015. See Affidavit of Publication, Docket No. 8.

23 10. Pursuant to Rule 7012(a) of the Federal Rules of Bankruptcy Procedure, the
24 Defendant’s answer to the complaint was due on or before August 24, 2015.
25
26
27

1 11. The Defendant has not filed nor served any type of response to the Complaint, nor
2 has she appeared in this case. Pursuant to Fed. R. Civ. P. 55(a) and Fed. R. Bankr. P. 7055, the
3 Defendant is therefore in default.

4 12. In accordance with Fed. R. Civ. P. 55(b)(2), Fed. R. Bankr. P. 7055 and 50 U.S.C.
5 Appx. § 521, the Defendant is not in the military service, is not an infant and is not incompetent.

6 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true
7 and correct to the best of my knowledge and belief.
8

9 Dated this 31st day of August, 2015.

10 /s/ Bryan A. Lindsey
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