

EXHIBIT “1”

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PROPOSED ORDER

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Counsel for Victoria L. Nelson, Chapter 7 Trustee

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re:

AMERI-DREAM REALTY, LLC,

Debtor.

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

**[PROPOSED] ORDER GRANTING
MOTION FOR (1) TURNOVER OF
SECURITY DEPOSITS HELD IN TRUST
ACCOUNT OF MCDONALD CARANO
WILSON PURSUANT TO 11 U.S.C. § 542
AND (2) AUTHORITY TO ADMINISTER
SECURITY DEPOSITS THROUGH THE
DEBTOR'S BANKRUPTCY ESTATE
PURSUANT TO 11 U.S.C. § 105(a)**

Date of Hearing: November 3, 2015
Time of Hearing: 11:00 a.m.
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 *Motion For (1) Turnover of Security Deposits Held In Trust Account of McDonald Carano Wilson Pursuant to 11 U.S.C. § 542 and (2)*

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1 *Authority to Administer Security Deposits Through the Debtor’s Bankruptcy Estate Pursuant to*
2 *11 U.S.C. § 105(a)* (the “Motion”) [ECF No. ___]¹, filed on September 30, 2015, filed by Victoria
3 L. Nelson, the Chapter 7 Trustee in the above-captioned bankruptcy case (the “Trustee”), by and
4 through her counsel of record, Jacob L. Houmand, Esq. of the Law Firm of Nelson & Houmand,
5 P.C.² The Motion sought an order permitting the transfer of approximately \$707,567.29 in the
6 remaining security deposits maintained by the Debtor (the “Security Deposits”) to be transferred
7 to the Debtor’s bankruptcy estate so that they can be administered for the benefit of creditors.

8 Jacob L. Houmand, Esq. appeared on behalf of the Trustee. All other appearances were
9 noted on the record.

10 The Court reviewed the Motion, the *Declaration of Victoria L. Nelson In Support of*
11 *Motion For (1) Turnover of Security Deposits Held In Trust Account of McDonald Carano*
12 *Wilson Pursuant to 11 U.S.C. § 542 and (2) Authority to Administer Security Deposits Through*
13 *the Debtor’s Bankruptcy Estate Pursuant to 11 U.S.C. § 105(a)*, the *Declaration of Ryan R.*
14 *Works, Esq. In Support of Motion For (1) Turnover of Security Deposits Held In Trust Account of*
15 *McDonald Carano Wilson Pursuant to 11 U.S.C. § 542 and (2) Authority to Administer Security*
16 *Deposits Through the Debtor’s Bankruptcy Estate Pursuant to 11 U.S.C. § 105(a)*, the
17 *Declaration of Marcia Uhrig In Support of Motion For (1) Turnover of Security Deposits Held In*
18 *Trust Account of McDonald Carano Wilson Pursuant to 11 U.S.C. § 542 and (2) Authority to*
19 *Administer Security Deposits Through the Debtor’s Bankruptcy Estate Pursuant to 11 U.S.C. §*
20 *105(a)*, and the *Declaration of Joseph D. Decker In Support of Motion For (1) Turnover of*
21 *Security Deposits Held In Trust Account of McDonald Carano Wilson Pursuant to 11 U.S.C. §*
22 *542 and (2) Authority to Administer Security Deposits Through the Debtor’s Bankruptcy Estate*
23 *Pursuant to 11 U.S.C. § 105(a)*, the exhibits attached thereto, and all of the papers on file herein.

24 ...

25 _____

26 ¹ In this Order, all references to “ECF No.” are to the numbers assigned to the documents filed in
27 the case as they appear on the docket maintained by the clerk of the court.

28 ² All defined terms in this Order shall have the same meaning ascribed to them in the Motion
unless otherwise provided herein.

1 Based upon this review and the findings of fact and conclusions of law placed on the
2 record at the hearing, and incorporated herein pursuant to Federal Rule of Civil Procedure 52,
3 made applicable to this matter pursuant to Federal Rules of Bankruptcy Procedure 9014(c) and
4 7052, and good cause appearing, it is hereby,

5 **ORDERED** that the Motion is **GRANTED** in its entirety; and

6 **IT IS FURTHER ORDERED** that the remaining balance of security deposits from the
7 Debtor’s property management business that are being maintained in the IOLTA Account of
8 Mcdonald Carano Wilson in the approximate amount of \$707,567.29 shall be transferred to the
9 Trustee.

10 **IT IS FURTHER ORDERED** that the Trustee is permitted to administer the remaining
11 balance of security deposits for the benefit of creditors in accordance with the priority scheme set
12 forth in 11 U.S.C. § 726.

13 **IT IS SO ORDERED.**

14 Prepared and Submitted By:
15 **NELSON & HOUMAND, P.C.**

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17 _____
18 Jacob L. Houmand, Esq. (NV Bar No. 12781)
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21 *Counsel for Victoria L. Nelson, Chapter 7 Trustee*

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LOCAL RULE 9021 CERTIFICATE

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In accordance with Local Rule 9021, counsel submitting this document certifies that the order accurately reflects the court’s ruling and that:

The Court has waived the requirements set forth in Local Rule 9021(b)(1).

No party appeared at the hearing or filed an objection to the motion.

I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below:

I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to Local Rule 9014(g), and that no party has objected to the form or content of the order.

NELSON & HOUMAND, P.C.

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Trustee*

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