

1 Jacob L. Houmand, Esq. (NV Bar No. 12781)
2 Email: jhoumand@nelsonhoumand.com

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3 NELSON & HOUMAND, P.C.
4 3900 Paradise Road; Suite U
5 Las Vegas, Nevada 89169-0903
6 Telephone: 702/720-3370
7 Facsimile: 702/720-3371

8 *Counsel for Victoria L. Nelson, Chapter 7 Trustee*

9 **UNITED STATES BANKRUPTCY COURT**
10 **DISTRICT OF NEVADA**

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

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

NOTICE OF HEARING ON 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. Davis¹

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22 **NOTICE IS HEREBY GIVEN** that Victoria L. Nelson, the appointed Chapter 7 Trustee
23 in the above-captioned bankruptcy case (the “Trustee”), by and through her counsel of record
24 Jacob L. Houmand, Esq. of the law firm of Nelson & Houmand, P.C., has filed a *Motion For (1)*
25 _____

26 ¹ Unless otherwise indicated, all chapter and section references are to the Bankruptcy Code, 11
27 U.S.C. §§ 101-1532, and to the Federal Rules of Bankruptcy Procedure, Rules 1001-9037. The
28 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.”

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3900 Paradise Road, Suite U, Las Vegas, Nevada 89169
Telephone: (702) 720-3370 Facsimile: (702) 720-3371

1 *Turnover of Security Deposits Held In Trust Account of McDonald Carano Wilson Pursuant to 11*
2 *U.S.C. §542 and (2) Authority to Administer Security Deposits Through the Debtor's Bankruptcy*
3 *Estate Pursuant to 11 U.S.C. § 105(a) (the "Motion").* The Motion seeks an order permitting the
4 transfer of approximately \$707,567.29 of the remaining security deposits once maintained by the
5 Debtor and currently held in an IOLTA by the Debtor's bankruptcy counsel (the "Security
6 Deposits") to be transferred to the Debtor's bankruptcy estate so that they can be administered for
7 the benefit of the creditors of the Debtor. The Trustee contends that the bankruptcy estate is the
8 most efficient forum to administer the Security Deposits for the following reasons: (1) the State of
9 Nevada Real Estate Division ("NRED"), the governmental entity charged with regulating real
10 estate brokers, has informed the Trustee that they will not be administering the Security Deposits;
11 (2) the majority of the proof of claims filed in the Debtor's bankruptcy estate relates to unpaid
12 security deposits; and (3) based on a review and analysis by the accounting firm of Dickinson
13 Desjardins, CPA's, the alleged embezzlement by Elsie Peladas-Brown, the former spouse of the
14 Debtor's principal, has made it impossible for the remaining Security Deposits to be traceable to
15 any landowner or tenant.

16 A copy of the Motion, the *Declaration of Victoria L. Nelson In Support of Motion For (1)*
17 *Turnover of Security Deposits Held In Trust Account of McDonald Carano Wilson Pursuant to 11*
18 *U.S.C. §542 and (2) Authority to Administer Security Deposits Through the Debtor's Bankruptcy*
19 *Estate Pursuant to 11 U.S.C. § 105(a) (the "Nelson Declaration"), the Declaration of Ryan R.*
20 *Works, Esq. In Support of Motion For (1) Turnover of Security Deposits Held In Trust Account of*
21 *McDonald Carano Wilson Pursuant to 11 U.S.C. §542 and (2) Authority to Administer Security*
22 *Deposits Through the Debtor's Bankruptcy Estate Pursuant to 11 U.S.C. § 105(a) (the "Works*
23 *Declaration*"), the *Declaration of Marcia Uhrig In Support of Motion For (1) Turnover of*
24 *Security Deposits Held In Trust Account of McDonald Carano Wilson Pursuant to 11 U.S.C.*
25 *§542 and (2) Authority to Administer Security Deposits Through the Debtor's Bankruptcy Estate*
26 *Pursuant to 11 U.S.C. § 105(a) (the "Uhrig Declaration"), Declaration of Joseph D. Decker In*
27 *Support of Motion For (1) Turnover of Security Deposits Held In Trust Account of McDonald*
28 *Carano Wilson Pursuant to 11 U.S.C. §542 and (2) Authority to Administer Security Deposits*

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1 *Through the Debtor’s Bankruptcy Estate Pursuant to 11 U.S.C. § 105(a)* (the “Decker
2 Declaration”), and the *Declaration of Barbara Desjardins In Support of Motion For (1) Turnover*
3 *of Security Deposits Held In Trust Account of McDonald Carano Wilson Pursuant to 11 U.S.C.*
4 *§542 and (2) Authority to Administer Security Deposits Through the Debtor’s Bankruptcy Estate*
5 *Pursuant to 11 U.S.C. § 105(a)* (the “Desjardins Declaration”), with exhibits, are on file with the
6 Clerk’s Office of the United States Bankruptcy Court, 300 Las Vegas Blvd. South, Fourth Floor,
7 Las Vegas, Nevada 89101. Copies of the Motion and supporting declarations may also be
8 obtained from counsel for the Trustee or through the Bankruptcy Court’s website at
9 www.nvb.uscourts.gov.

10 Copies of the Motion and supporting declarations can also be accessed at the following
11 website that is managed by the Trustee: <http://nelsonhoumand.com/ameri-dream-realty-court->
12 [documents](http://nelsonhoumand.com/ameri-dream-realty-court-).

13 **NOTICE IS FURTHER GIVEN** that if you do not want the Court to grant the relief
14 sought in the Motion, or if you want the Court to consider your reviews on the Motion, then you
15 must file an opposition with the Court, and serve a copy of the person making the Motion ***no later***
16 ***than fourteen (14) days before the hearing***. The opposition must state your position, set forth all
17 relevant facts and legal authority, and be supported by affidavits or declarations that conform to
18 Local Rule 9014(c).

19 If you object to the relief requested, you *must* file a **WRITTEN** response to this pleading
20 with the court. You *must* also serve your written response on the person who sent you this
21 notice.
22 If you do not file a written response with the court, or if you do not serve your written
23 response on the person who sent you this notice, then:
24

- The Court may *refuse to allow you to speak* at the scheduled hearing; and
- The Court may *rule against you* without formally calling the matter at the hearing.

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