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Honorable Laurel E. Davis
United States Bankruptcy Judge



Entered on Docket
November 06, 2015

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

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

**ORDER GRANTING MOTION FOR (1)
TURNOVER OF SECURITY DEPOSITS
HELD IN TRUST ACCOUNT OF
MACDONALD 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 MacDonald Carano Wilson Pursuant to 11 U.S.C. § 542 and (2)*

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

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. 181]¹, filed on September 30, 2015, by Victoria L.
 3 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 Seven Hundred Seven
 6 Thousand Five Hundred Sixty-Seven and 29/100 Dollars (\$707,567.29) representing the
 7 remaining balance of the security deposits maintained by the Debtor prior to its bankruptcy filing
 8 (the "Security Deposits") to be transferred to the Debtor's bankruptcy estate so that they can be
 9 administered for the benefit of creditors in accordance with the priority scheme of 11 U.S.C. §
 10 726.

11 Jacob L. Houmand, Esq. appeared on behalf of the Trustee, Ryan J. Works, Esq. appeared
 12 on behalf of the Debtor and the law firm of McDonald Carano Wilson, and Tara D. Newberry,
 13 Esq. appeared on behalf of certain Unsecured Creditors³. All other appearances were noted on the
 14 record.

15 The Court reviewed the Motion, the *Declaration of Victoria L. Nelson In Support of*
 16 *Motion For (1) Turnover of Security Deposits Held In Trust Account of MacDonald Carano*
 17 *Wilson Pursuant to 11 U.S.C. § 542 and (2) Authority to Administer Security Deposits Through*
 18 *the Debtor's Bankruptcy Estate Pursuant to 11 U.S.C. § 105(a)* [ECF No. 182], the *Declaration*
 19 *of Ryan R. Works, Esq. In Support of Motion For (1) Turnover of Security Deposits Held In Trust*
 20 *Account of MacDonald Carano Wilson Pursuant to 11 U.S.C. § 542 and (2) Authority to*
 21 *Administer Security Deposits Through the Debtor's Bankruptcy Estate Pursuant to 11 U.S.C. §*
 22 *105(a)* [ECF No.183], the *Declaration of Marcia Uhrig In Support of Motion For (1) Turnover of*
 23 _____

24 ¹ In this Order, 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.

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

27 ³ The phrase "Unsecured Creditors" shall have the same meaning ascribed to it in the following
 28 documents: (1) the Request for Special Notice [ECF No. 14] and (2) the Notice of Appearance
 and Request for Special Notice [ECF No. 101].

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

1 *Security Deposits Held In Trust Account of MacDonald Carano Wilson Pursuant to 11 U.S.C. §*
2 *542 and (2) Authority to Administer Security Deposits Through the Debtor's Bankruptcy Estate*
3 *Pursuant to 11 U.S.C. § 105(a) [ECF No. 184], the Declaration of Barbara Desjardins In Support*
4 *of Motion For (1) Turnover of Security Deposits Held In Trust Account of MacDonald Carano*
5 *Wilson Pursuant to 11 U.S.C. § 542 and (2) Authority to Administer Security Deposits Through*
6 *the Debtor's Bankruptcy Estate Pursuant to 11 U.S.C. § 105(a) [ECF No. 185], the Declaration*
7 *of Joseph D. Decker In Support of Motion For (1) Turnover of Security Deposits Held In Trust*
8 *Account of MacDonald Carano Wilson Pursuant to 11 U.S.C. § 542 and (2) Authority to*
9 *Administer Security Deposits Through the Debtor's Bankruptcy Estate Pursuant to 11 U.S.C. §*
10 *105(a) [ECF No. 186], the Notice of Hearing On Motion For (1) Turnover of Security Deposits*
11 *Held In Trust Account of MacDonald Carano Wilson Pursuant to 11 U.S.C. § 542 and (2)*
12 *Authority to Administer Security Deposits Through the Debtor's Bankruptcy Estate Pursuant to*
13 *11 U.S.C. § 105(a) [ECF No. 187], the Certificate of Service Regarding Motion For (1) Turnover*
14 *of Security Deposits Held In Trust Account of MacDonald Carano Wilson Pursuant to 11 U.S.C.*
15 *§ 542 and (2) Authority to Administer Security Deposits Through the Debtor's Bankruptcy Estate*
16 *Pursuant to 11 U.S.C. § 105(a) [ECF No. 189], the Affidavit of Service [ECF No. 190], the*
17 *Notice of Receipt of Opposition to Motion For (1) Turnover of Security Deposits Held In Trust*
18 *Account of MacDonald 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) [ECF No. 191], and the Reply to Opposition to Motion For (1) Turnover of Security*
21 *Deposits Held In Trust Account of MacDonald Carano Wilson Pursuant to 11 U.S.C. § 542 and*
22 *(2) Authority to Administer Security Deposits Through the Debtor's Bankruptcy Estate Pursuant*
23 *to 11 U.S.C. § 105(a) [ECF No. 192], the exhibits attached thereto, and all of the papers on file*
24 *herein.*

25 Based upon this review and the findings of fact and conclusions of law placed on the
26 record at the hearing, and incorporated herein pursuant to Federal Rule of Civil Procedure 52,
27 made applicable to this matter pursuant to Federal Rules of Bankruptcy Procedure 9014(c) and
28 7052, and good cause appearing,

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IT IS HEREBY ORDERED that:

(1) The Motion is GRANTED in its entirety; and

(2) The Security Deposits shall be transferred to the Trustee on the fifteenth (15) day after the entry of this Order; and

(3) The Security Deposits shall be administered through the Debtor’s bankruptcy estate for the benefit of creditors in accordance with the priority scheme set forth in 11 U.S.C. § 726; and

(4) McDonald Carano Wilson LLP, Nelson & Houmand, P.C., and Victoria L. Nelson, Chapter 7 Trustee, including all of their respective professionals, attorneys, agents and employees, are hereby released from, and shall not incur any liability to, any claimholder, creditor, governmental entity, or any other party-in-interest, whether known or unknown, or any of their respective representatives, successors or assigns, arising out of or relating to the above-referenced transfer of the Security Deposits, including any claims relating to accrued IOLTA interest, except and solely to the extent such liability is based on fraud, gross negligence or willful misconduct.

IT IS SO ORDERED.

Prepared and Submitted By:

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

Counsel for Victoria L. Nelson, Chapter 7 Trustee

LOCAL RULE 9021 CERTIFICATE

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:

Approved As To Form And Content

Approved As To Form And Content

/s/ Ryan J. Works
Ryan J. Works, Esq. (NV Bar No. 9224)
MCDONALD CARANO WILSON, LLP
2300 West Sahara Avenue, Suite 1200
Las Vegas, Nevada 89102
*Counsel for Ameri-Dream Realty, LLC,
Chapter 7 Debtor*

/s/ Tara D. Newberry
Tara D. Newberry, Esq. (NV Bar No. 10696)
Paul R. Connaghan, Esq. (NV Bar No. 3229)
CONNAGHAN NEWBERRY LAW FIRM
7854 West Sahara Avenue
Las Vegas, Nevada 89117
Attorneys for Unsecured Creditors

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.

/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

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

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