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

6
7
8 **UNITED STATES BANKRUPTCY COURT**
9 **DISTRICT OF NEVADA**

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

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

DECLARATION OF VICTORIA L. NELSON IN SUPPORT OF TRUSTEE'S APPLICATION TO (1) EMPLOY NELLIS AUCTION AS AUCTIONEER TO SELL PERSONAL PROPERTY, PAY COMMISSION, REIMBURSE EXPENSES AND (2) APPROVE THE SALE OF PERSONAL PROPERTY FREE AND CLEAR OF LIENS, CHARGES, INTEREST AND ENCUMBRANCES PURSUANT TO 11 U.S.C. § 363

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

22 I, Victoria L. Nelson, declare as follows:

23 1. I am over the age of 18 years and I am competent to make this declaration. I have
24 personal knowledge of the facts set forth herein, except for those facts stated on information and
25 belief and, as to those facts, I am informed and believe them to be true. If called as a witness, I

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1 could and would testify as to the matters set forth below based upon my personal knowledge.¹

2 2. I am the appointed Chapter 7 Trustee in the above-captioned bankruptcy case.

3 3. I make this declaration in support of the Trustee’s Application to (1) Employ
4 Nellis Auction as Auctioneer to Sell Personal Property, Pay Commission, Reimburse Expenses
5 and (2) Approve the Sale of Personal Property Free and Clear of Liens, Charges, Interest and
6 Encumbrances Pursuant to U.S.C. §363 (the “Application”).²

7 4. On January 9, 2015, the Debtor filed a voluntary bankruptcy pursuant to Chapter 7
8 of Title 11 of the United States Code [ECF No. 1].³

9 5. On January 9, 2015, I was appointed as the Chapter 7 Trustee in the Debtor’s
10 bankruptcy case [ECF No. 4].

11 6. The Debtor was a real estate brokerage firm that represented clients in the purchase
12 and sale of real property throughout Las Vegas, Nevada.

13 7. The Debtor also had a property management division that managed hundreds of
14 rental properties for various landowners and tenants throughout the valley in Las Vegas, Nevada.

15 8. Prior to the Debtor filing bankruptcy, the principal of the Debtor vacated the leased
16 premises located at 4875 Nevso Drive, Las Vegas, Nevada (the “Property”).

17 9. When the principal of the Debtor vacated the Property, personal property was left
18 behind including file cabinets, office equipment, various furniture, including, tables and chairs
19 (the “Personal Property”).

20 ...

21 ...

22
23 ¹ Unless otherwise indicated, all chapter and section references are to the Bankruptcy Code, 11
24 U.S.C. §§ 101-1532, and to the Federal Rules of Bankruptcy Procedure, Rules 1001-9037. The
25 Federal Rules of Civil Procedure will be referred to as “FRCP” and the Federal Rules of
26 Bankruptcy Procedure will be referred to as “FRBP.” The Local Rules of Practice for the United
27 States Bankruptcy Court for the District of Nevada shall be referred to as the “Local Rules.”

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

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.

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1 10. In an effort to minimize administrative expenses, I am attempting to vacate the
2 Property as quickly as possible and it is necessary to employ Nellis Auction to sell the Personal
3 Property.

4 11. In order to liquidate the Personal Property for the benefit of the creditors, it will be
5 necessary for me to sell the Personal Property.

6 12. It is my belief that the best and highest net recovery to the bankruptcy estate will
7 arise by selling the Personal Property at an auction through the employment and services of a
8 licensed auctioneer.

9 13. Nellis Auction will inventory all merchandise prior to the sale.

10 14. All equipment and inventory will be arranged prior to the sale and preview to
11 assure security and facilitate the buyers' inspection.

12 15. Nellis Auction will prepare and mail and/or email an auction notice to a list of over
13 four thousand (4,000) potential bidders consisting of previous auction customers.

14 16. The assets will be featured on the website of Nellis Auction at
15 www.nellisauction.com and on the website of Nelson & Houmand, P.C. at
16 <http://nelsonhoumand.com/ameri-dream-realty-llc/>. In addition, Nellis Auction will promote the
17 sale through their online auctioneering website.

18 17. The proposed location of the auction is via a live on-line auction format with live
19 auction previews from 9:00 a.m. to 4:00 p.m. on the date of the auction with Buyer's removal to
20 be complete within two (2) days following the auction.

21 18. The terms of the sale will be cash or cash equivalent on the day of the sale with the
22 title to the Personal Property to be transferred upon payment.

23 19. I desire to employ Nellis Auction, a licensed auctioneer, to conduct the sale of the
24 Personal Property in exchange for a commission equal to twenty-five percent (25%) of the gross
25 receipts of the sale.

26 20. Auction customers will be charged a fifteen percent (15%) buyer's fee for the
27 purchased Personal Property, which will be added to the successful bidders invoice as a service
28 charge to attend the auction.

1 21. Nellis Auction is responsible for all advertising and labor costs for conducting the
2 auction.

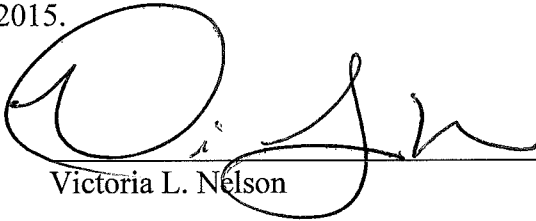
3 22. Nellis Auction is bonded in the amount of One Hundred Thousand Dollars
4 (\$100,000) and its bond is on file with the Office of the United States Trustee.

5 23. I will file a Report of Sale with the Court following the auction. No further
6 confirmation of the sale will be sought.

7 24. Based on information and belief, there are no liens against the Personal Property.
8 However, if any lien is alleged to be perfected, the lien will be satisfied with the proceeds from
9 the sale.

10 I declare under penalty of perjury under the laws of the United States that the foregoing is
11 true and correct.

12 Dated this 17th day of February, 2015.

13
14 
15 Victoria L. Nelson

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