

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

Electronically Filed On: March 6, 2015

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

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:
AMERI-DREAM REALTY, LLC,

Debtor.

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

**EX PARTE APPLICATION FOR ORDER
SHORTENING TIME ON MOTION TO
EXTEND DEADLINE TO ASSUME OR
REJECT EXECUTORY CONTRACTS
PURSUANT TO 11 U.S.C. § 365(d)(1)**

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

Victoria L. Nelson, the duly appointed Chapter 7 Trustee in the above-captioned bankruptcy case (the "Trustee"), by and through her proposed counsel of record Jacob L. Houmand, Esq. of the law firm of Nelson & Houmand, P.C., hereby files this Ex Parte Application for Order Shortening Time on Motion to Extend Deadline to Assume or Reject Executory Contracts Pursuant to 11 U.S.C. § 365(d)(1). (the "Application").¹

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

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

1 This Application is made and based upon FRBP 9006 and Local Rule 9006, the following
2 memorandum of points and authorities, the Affidavit of Jacob L. Houmand, Esq. In Support of the
3 Ex Parte Application for Order Shortening Time on Motion to Extend Deadline to Assume or
4 Reject Executory Contracts Pursuant to 11 U.S.C. § 365(d)(1) (the “Houmand Affidavit”), the
5 Declaration of Victoria L. Nelson In Support of Motion to Extend Deadline to Assume or Reject
6 Executory Contracts Pursuant to 11 U.S.C. § 365(d)(1) (the “Nelson Declaration”), and the
7 Attorney Information Sheet, all of which are filed separately and concurrently with the
8 Application pursuant to Local Rule 9014(c)(2).

9 WHEREFORE, the Trustee respectfully requests that this Honorable Court grant this
10 Application and issue an order shortening time to hear the Motion to Extend Deadline to Assume
11 or Reject Executory Contracts Pursuant to 11 U.S.C. § 365(d)(1) (the “Motion to Extend
12 Deadline”) and for such other relief as is just and proper.²

13 Dated this 6th day of March, 2015.

14 **NELSON & HOUMAND, P.C.**

15 */s/ Jacob L. Houmand*

16 _____
17 Jacob L. Houmand, Esq. (NV Bar No. 12781)
18 3900 Paradise Road; Suite U
19 Las Vegas, Nevada 89169-0903
20 Telephone: 702/720-3370
21 Facsimile: 702/720-3371

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

24
25
26
27 ² The Trustee also requests that the Court take judicial notice of all pleadings filed in the above-
28 referenced bankruptcy case pursuant Rule of Evidence 201, incorporated by reference by Federal
Rule of Bankruptcy Procedure 9017.

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

MEMORANDUM OF POINTS AND AUTHORITIES

I. RELEVANT FACTS

1
2
3 1. Ameri-Dream Realty, LLC (the “Debtor”) is a real estate brokerage firm that
4 represented clients in the purchase and sale of real property throughout Las Vegas, Nevada. *See*
5 Nelson Declaration.

6 2. The Debtor also had a property management division that managed over one
7 thousand real properties located throughout the valley in Las Vegas, Nevada. *See* Nelson
8 Declaration.

9 3. As part of its property management division, the Debtor has executed real property
10 management agreements (collectively, the “Property Management Agreements”) with landowners
11 whereby the Debtor agreed to perform the following services: (a) the monthly collection of rents
12 from tenants, (b) payment of Homeowner Association (“HOA”) fees, (c) the general repair and
13 maintenance of the properties at issue, and (d) the segregation of security deposits (the “Security
14 Deposits”) pursuant to Nevada Revised Statute (“N.R.S.”) Chapter 645. *See* Nelson Declaration.

15 4. Despite the fact that the Debtor was required to maintain the Security Deposits in a
16 segregated trust account for the benefit of the various landowners and tenants, the Trustee is
17 informed and believes that the spouse of the Debtor’s principal, John Brown, embezzled
18 approximately One Million Two Hundred Thousand Dollars (\$1,200,000) of the Security
19 Deposits. As a result, there is currently an insufficient balance in the Security Deposit trust
20 account to cover the full amount of the Security Deposits that are required to be segregated
21 pursuant to the Property Management Agreements. *See* Nelson Declaration.

22 5. Prior to the Debtor’s bankruptcy filing, the Debtor submitted a claim through its
23 Errors and Omissions Insurance Policy held through Pearl Insurance (the “Policy”). *See* Nelson
24 Declaration.

25 ...
26 ...
27 ...
28 ...

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

1 6. On January 9, 2015, the Debtor filed its voluntary Chapter 7 bankruptcy petition.
2 [ECF No. 1]³. See Nelson Declaration.

3 7. The Trustee has been informed that post-petition Pearl Insurance has attempted to
4 cancel the Policy for lack of payment. See Nelson Declaration.

5 8. The Trustee has been informed that prior to the cancellation of the Policy, John
6 Brown, the principal of the Debtor, notified Pearl Insurance that the Debtor filed a Chapter 7
7 bankruptcy petition. See Nelson Declaration.

8 9. The Trustee was never informed that the Policy was to be cancelled for lack of
9 payment. See Nelson Declaration.

10 10. The Trustee is currently investigating the cancellation of the policy and seeks to
11 extend the deadline to assume or reject the bankruptcy estate’s remaining executory contracts
12 inasmuch as the sixty (60) days to assume expires on March 10, 2015. See Nelson Declaration.

13 **II. LEGAL ARGUMENT**

14 Section 105 allows this Court to issue such orders as are necessary to carry out the
15 provisions of this title. FRBP 9006(c)(1) generally permits a Bankruptcy Court, for cause shown
16 and in its discretion, to reduce the period during which any notice is given in accordance with the
17 Bankruptcy Rules. FRBP 9006(c)(1) provides as follows:

18 Except as provided in paragraph (2) of this subdivision, when an act
19 is required or allowed to be done at or within a specified time by
20 these rules or by a notice given thereunder or by order of court, the
21 court for cause shown may in its discretion with or without
22 Application or notice order the period reduced.

23 FED. R. BANKR. P. 9006(c)(1).

24 11 U.S.C. § 105. Local Rule 9006 provides further authority for shortening the time for a
25 hearing. Under Local Rule 9006(b), every Application for an order shortening time must be
26 accompanied by an affidavit stating the reasons for a shortened deadline.

27 ...

28 ...

³ In this Application, 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.

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

1 Here, the Trustee seeks an order allowing the Motion to Extend Deadline to be heard on
2 shortened time in order to allow the Trustee to investigate the Policy cancellation. The current
3 deadline for the Trustee to assume or reject executory contracts is March 10, 2015, pursuant to
4 Section 365(d)(1). In order to preserve the bankruptcy estate’s interest in the remaining executory
5 contracts, the Trustee requests that the Motion be heard on or before March 10, 2015. For these
6 reasons, the Court should issue an order shortening time on the Motion.

7 **III. CONCLUSION**

8 For the foregoing reasons, the Trustee respectfully requests that this Court issue an order
9 shortening time to hear the Motion to Extend Deadline and for such other relief as is just and
10 proper.

11 Dated this 6th day of March, 2015.

12 **NELSON & HOUMAND, P.C.**

13
14 /s/ Jacob L. Houmand
15 Jacob L. Houmand, Esq. (NV Bar No. 12781)
16 3900 Paradise Road; Suite U
17 Las Vegas, Nevada 89169-0903
18 Telephone: 702/720-3370
19 Facsimile: 702/720-3371

20
21 *[Proposed] Counsel for Victoria L. Nelson,*
22 *Chapter 7 Trustee*
23
24
25
26
27
28

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