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Electronically Filed On: November 11, 2015

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

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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

**SECOND INTERIM APPLICATION OF
NELSON & HOUMAND, P.C. FOR
ALLOWANCE OF COMPENSATION
FOR SERVICES RENDERED DURING
THE PERIOD FROM JUNE 3, 2015,
THROUGH NOVEMBER 11, 2015, AND
FOR REIMBURSEMENT OF EXPENSES
PURSUANT TO 11 U.S.C. §§ 330 AND 331
AND FEDERAL RULE OF
BANKRUPTCY PROCEDURE 2016**

Date of Hearing: December 15, 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

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24 The Law Firm of Nelson & Houmand, P.C. (the “Firm”), counsel of record for Victoria L.
25 Nelson, Chapter 7 Trustee in the above-captioned bankruptcy case (the “Trustee”), hereby
26 submits its Second Interim Application of Nelson & Houmand, P.C. for Allowance of
27 Compensation for Services Rendered During the Period From June 3, 2015, Through November
28 11, 2015 and For Reimbursement of Expenses Pursuant to 11 U.S.C. §§ 330 and 331 and Federal

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Rule of Bankruptcy Procedure 2016 (the “Fee Application”).¹

The Fee Application is filed pursuant to Sections 330 and 331, FRBP 2016, the Guidelines for Compensation and Reimbursement of Professionals in Region 17 as promulgated by the Offices of the United States Trustee (the “Region 17 Guidelines”), and the Guidelines for Reviewing Applications for Compensation and Reimbursement on Expenses Filed Under 11 U.S.C. § 330 effective January 30, 1996 (the “U.S. Trustee Guidelines”). The Application is also based on the following Memorandum of Points and Authorities, the Declaration of Victoria L. Nelson In Support of the Second Interim Application of Nelson & Houmand, P.C. for Allowance of Compensation for Services Rendered During the Period From June 3, 2015, Through November 11, 2015 and For Reimbursement of Expenses Pursuant to 11 U.S.C. §§ 330 and 331 and Federal Rule of Bankruptcy Procedure 2016 (the “Nelson Declaration”) and the Declaration of Jacob L. Houmand, Esq. In Support of the Second Interim Application of Nelson & Houmand, P.C. for Allowance of Compensation for Services Rendered During the Period From June 3, 2015, Through November 11, 2015 and For Reimbursement of Expenses Pursuant to 11 U.S.C. §§ 330 and 331 and Federal Rule of Bankruptcy Procedure 2016 (the “Houmand Declaration”), both of which are filed separately and concurrently with this Court pursuant to Local Rule 9014(c)(2).²

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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”.

² 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.

1 The Fee Application is also based on the pleadings and papers on file herein and any
2 argument that may be entertained at the hearing on the Fee Application.³

3 Dated this 11th day of November, 2015.

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

5 */s/ Jacob L. Houmand*

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

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27 ³ The Firm also requests that the Court take judicial notice of all pleadings filed in the above-
28 referenced bankruptcy case, including adversary proceedings, pursuant to Rule of Evidence 201,
incorporated by reference by FRBP 9017.

1 Name of firm: Nelson & Houmand, P.C.

2 Authorized to Provide Professional Services General Bankruptcy Counsel for Victoria L.
 3 to: Nelson, Chapter 7 Trustee

4 Date of Retention: April 2, 2015⁴

5 Period for which Compensation and Reimbursement is Sought June 3, 2015 through November 11, 2015

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7 Amount of Compensation Requested: \$ 58,710.00

8 Amount of Expense Reimbursement Requested: \$ 1,937.08

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11 This is an: interim _____ final application.

12 This is the second interim fee application filed by Nelson & Houmand, P.C. in this case.

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26 ⁴ On April 2, 2015, the Court entered an Order Granting the Application to Employ Nelson &
 27 Houmand, P.C., *Nunc Pro Tunc*, As General Bankruptcy Counsel for Victoria L. Nelson, Chapter
 28 7 Trustee Pursuant to 11 U.S.C. §§ 327(a) and 328(a) and Federal Rule of Bankruptcy Procedure
 2014 (the “Application to Employ”) [ECF No. 148]. The Application to Employ sought to
 employ the law firm of Nelson & Houmand, P.C., *nunc pro tunc*, as of January 13, 2015.

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BILLING SUMMARY

Prior Applications:

Fees

First Interim Fees Previously Requested	\$55,800.00
First Interim Fees Previously Awarded	\$55,800.00

Expenses

First Interim Expenses Previously Requested	\$ 1,986.88
First Interim Expenses Previously Awarded	\$ 1,986.88

Retainer Paid:	0.00
Drawn on Retainer:	0.00
Remaining Retainer:	0.00

Current Application Fees from June 3, 2015 through November 11, 2015 - Requested:	\$58,710.00
Current Application Expenses Requested:	\$ 1,937.08

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**SECOND INTERIM FEE APPLICATION OF
 NELSON & HOUMAND, P.C.
 SUMMARY OF PROFESSIONALS
 JUNE 3, 2015 THROUGH NOVEMBER 11, 2015**

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NAME	GRADUATION FROM LAW SCHOOL	TITLE	HOURLY RATE	HOURS	TOTAL FEE
Jacob L. Houmand	2011	Partner	\$300.00	195.7	\$58,710.00
TOTAL					\$58,710.00

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**SECOND INTERIM FEE APPLICATION OF
NELSON & HOUMAND, P.C.
SUMMARY OF SERVICES RENDERED
JUNE 3, 2015 THROUGH NOVEMBER 11, 2015**

ACTIVITY	HOURS	FEES
B110 – Case Administration	46.2	\$13,860.00
B120 – Asset Analysis & Recovery	82.0	\$24,600.00
B160 – Employment/Fee Applications	7.1	\$ 2,130.00
B190 – Other Contested Matters	13.4	\$ 4,020.00
B310 – Claims Administration	47.0	\$14,100.00
TOTALS:	195.7	\$58,710.00

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I.

INTRODUCTION

The Firm, counsel of record to the Trustee in the above-captioned chapter 7 case (the “Bankruptcy Case”), hereby submits this Second Interim Fee Application for services rendered in the Bankruptcy Case during the period from June 3, 2015, through November 11, 2015 (the “Fee Application Period”). The Firm requests an order (i) approving and allowing on an interim basis compensation in the amount of \$58,710 for the reasonable and necessary services of the Firm during the Fee Application Period, (ii) approving and allowing on an interim basis reimbursement of expenses in the amount of \$1,937.08 that were incurred during the Fee Application Period, and (iii) authorizing the Trustee to pay such amounts to the Firm. The Firm believes that the services it rendered to the Trustee during the Fee Application Period benefited the Debtor’s estate and that, therefore, the attorneys’ fees requested in this Fee Application should be approved under Section 330(a).

II.

JURISDICTION

1. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1134. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(A). The statutory basis for the relief sought are Sections 330, FRBP 2016, and Local Rule 2016. Venue before this Court is appropriate under 28 U.S.C. §§ 1408 and 1409.

2. This matter constitutes a core proceeding under 28 U.S.C. § 157(b)(2). Pursuant to Local Rule 9014.2, if the Court determines that absent consent of the parties the Court cannot enter final orders or judgment regarding the Application consistent with Article III of the United States Constitution, the Firm consents to entry of final orders and judgment by this Court.

III.

SUMMARY OF PROFESSIONAL SERVICES PERFORMED

3. The Firm has provided services in the matters as described below.
4. The following summary is intended only to highlight a number of the services rendered by the Firm, and it is not meant to be a detailed description of all of the work performed.

1 Detailed descriptions of day-to-day services provided by the Firm and the time expended
2 performing such services is fully set forth in the billing summary, true and correct copies of which
3 are attached to the Houmand Declaration as **Exhibit “1”**.

4 5. Detailed descriptions of the actual expenses incurred by the Firm during the Fee
5 Application Period are attached to the Houmand Declaration as **Exhibit “2”**.

6 **IV.**

7 **STATEMENT REGARDING NOTICE**

8 6. On February 20, 2015, an *Order Granting Application for Order Limiting Notice*
9 *and Memorandum of Points and Authorities in Support Thereof* [ECF No. 121] granting the
10 Trustee’s request that whenever the Bankruptcy Rules or Local rules require notice to be given to
11 all creditors, including Bankruptcy Rule 2002(a), (b) and (f), service shall be made only upon the
12 parties on the Official Service List which consists of the Debtor’s counsel, the United States
13 Trustee, and any party requesting notice by the party’s filing of a notice of appearance and request
14 for notice. Notice of hearing on the Fee Application, identifying the Firm and amounts requested,
15 has been served on all identified creditors and parties in interest not less than 28 days prior to the
16 date set for hearing on this Fee Application.

17 **V.**

18 **STATEMENT REGARDING TERMS AND CONDITIONS OF EMPLOYMENT**

19 7. On February 2, 2015, the Trustee filed an Application to Employ Nelson &
20 Houmand, P.C., *Nunc Pro Tunc*, As General Bankruptcy Counsel for Victoria L. Nelson, Chapter
21 7 Trustee Pursuant to 11 U.S.C. §§ 327(a) and 328(a) and Federal Rule of Bankruptcy Procedure
22 2014 (the “Employment Application”) [ECF No. 16]. The Employment Application sought to
23 employ the law firm of Nelson & Houmand, P.C., *nunc pro tunc*, as of January 13, 2015.

24 8. On April 2, 2015, the Court entered an Order Granting the Application to Employ
25 Nelson & Houmand, P.C., *Nunc Pro Tunc*, As General Bankruptcy Counsel for Victoria L.
26 Nelson, Chapter 7 Trustee Pursuant to 11 U.S.C. §§ 327(a) and 328(a) and Federal Rule of
27 Bankruptcy Procedure 2014 [ECF No. 148].

28 9. The scope of the Firm’s employment in this bankruptcy case were as follows:

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- 1 (a) To investigate the financial affairs of the Debtor and
2 determine if there are any preferential transfers, fraudulent
3 conveyances, or turnover actions that may be filed on behalf
4 of the bankruptcy estate pursuant to 11 U.S.C. §§ 542, 544,
5 547, and 548.
- 6 (b) To prosecute any and all preferential transfers, fraudulent
7 conveyances, or turnover actions that may be filed on behalf
8 of the bankruptcy estate pursuant to 11 U.S.C. §§ 542, 544,
9 547, and 548.
- 10 (c) To advise the Trustee of her rights and obligations and
11 performance of her duties during the administration of this
12 bankruptcy case;
- 13 (d) To represent the Trustee in all proceedings before this Court
14 and any other court which assumes jurisdiction of a matter
15 related to or arising in this bankruptcy case;
- 16 (e) To assist the Trustee in the performance of her duties as set
17 forth in 11 U.S.C. §§ 1104 and 1106;
- 18 (e) To assist the Trustee in developing legal positions and
19 strategies with respect to all facets of these proceedings; and
- 20 (g) To provide such other counsel and advice as the Trustee
21 may require in connection with this bankruptcy case.

22 10. The results achieved during the Fee Application Period encompassed by this Fee
23 Application relate to the scope of employment set forth in this Fee Application, and are set forth
24 in more specific detail in the billing entries attached as **Exhibit “1”** to the Houmand Declaration.

25 11. The actual expenses incurred by the Firm during the Fee Application Period are set
26 forth in more specific detail in the billing entries attached as **Exhibit “2”** to the Houmand
27 Declaration.

28 12. During the time in question, the Firm has assisted the Trustee in those items
detailed in the “Scope of Employment” of the Employment Application and other miscellaneous
functions.

13. The Firm’s services were rendered economically and without unnecessary
duplication of efforts. In addition, the work involved, and thus the time expended, was carefully
assigned in consideration of the experience and expertise required for each particular task. If

1 more than one person attended a meeting or hearing, it was not a duplication of that effort but it
2 was necessary to adequately represent the interests of the Trustee.

3 **VI.**

4 **STATEMENT REGARDING THE ADMINISTRATION OF THE DEBTOR'S**
5 **BANKRUPTCY ESTATE**

6 **EVENTS PRECEDING THE FILING OF THE DEBTORS BANKRUPTCY CASE**

7 14. The Debtor was a real estate brokerage firm that represented clients in the purchase
8 and sale of real property throughout Clark County, Nevada. *See* Nelson Declaration.

9 15. The Debtor also had a property management division that managed over one
10 thousand rental properties for various landowners and tenants throughout Las Vegas, Nevada.
11 *See* Nelson Declaration.

12 16. Subsequent to the filing of the Debtor's bankruptcy case, the Trustee was informed
13 by John Brown, the principal of the Debtor and then-spouse of Elsie Peladas-Brown, that it was
14 his belief that Elsie Peladas-Brown had embezzled approximately One Million Two Hundred
15 Thousand Dollars (\$1,200,000) from the Security Deposits Trust Account of the Debtor and wired
16 these monies to the Philippines between the period of March, 2013 through December, 2013. *See*
17 Nelson Declaration.

18 17. It is the belief of John Brown that Elsie Peladas-Brown left the United States for
19 the Philippines in January, 2014, and has not returned to the United States since that time. *See*
20 Nelson Declaration.

21 **THE DEBTOR'S BANKRUPTCY FILING**

22 18. On January 9, 2015, the Debtor filed a voluntary bankruptcy pursuant to Chapter 7
23 of Title 11 of the United States Code (Case No. BK-S-14-12346-ABL) in the United States
24 Bankruptcy Court for the District of Nevada (the "Bankruptcy Case"). *See* Nelson Declaration.

25 19. On January 9, 2015, Victoria L. Nelson was appointed as the Chapter 7 Trustee
26 (the "Trustee") in the Bankruptcy Case. *See* Nelson Declaration.

27 20. Shortly following her appointment, the Trustee met with Debtor's principal and
28 it's counsel to discuss matters requiring immediate attention including the securing and closing of

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1 a 4,861 square foot commercial property located at 4875 West Nevso Drive, Las Vegas, NV, and
2 the administration of approximately Seven Hundred Seven Thousand Dollars (\$707,000) of funds
3 identified as security deposits which were those portion of funds which were not embezzled and
4 placed into the IOLTA bank account of Debtor's bankruptcy counsel. The Trustee was also
5 tasked with identifying and closing residential sales of real property which contracts had been
6 entered into pre-petition but closed after the bankruptcy was filed by the Debtor. *See* Nelson
7 Declaration.

8 21. Since her appointment, the Trustee sought and obtained Court approval for the
9 turnover of the approximately Seven Hundred Seven Thousand Dollars (\$707,000) of funds
10 identified as security deposits which were those portion of funds which were not embezzled and
11 placed into the IOLTA bank account of Debtor's bankruptcy counsel. *See* Nelson Declaration.

12 22. Due to the fact that the Debtor's bankruptcy case was deemed a mega case, the
13 Trustee sought and obtained court approval to employ Garden City Group, LLC ("GCG") as the
14 claims and noticing agent. *See* Nelson Declaration.

15 23. The deadline to file proofs of claims expired on May 14, 2015. Pursuant to GCG,
16 there is a total of \$3,197,122 in calculated claim value. It is the belief of GCG, however, that
17 there may be a duplication of claims wherein both the landlord and the corresponding tenant may
18 have filed proofs of claims seeking the same security deposit and/or various other funds collected
19 and held for either the tenant or the landlord in the Debtor's Security Deposits Trust Account.
20 *See* Nelson Declaration.

21 24. The Trustee anticipates the commencement of claim objections in the ensuing
22 months. *See* Nelson Declaration.

23 25. The Trustee employed Schwartz Flansburg, PLLC to pursue the recovery of funds
24 embezzled by Elsie Peladas-Brown. *See* Nelson Declaration.

25 26. Since the employment of Schwartz Flansburg, PLLC, a summary judgment was
26 obtained against Elsie Peladas-Brown for the embezzlement of the \$1.2 million from the Security
27 Deposits Trust Account of the Debtor and a second adversary action was filed against the errors
28 and omissions insurance policy held by the Debtor. *See* Nelson Declaration.

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VII.

STATEMENT OF STATUTORY AUTHORITY FOR RELIEF SOUGHT

27. 11 U.S.C. Section 330(a) states:

(a)(1) After notice to the parties in interest and the United States trustee and a hearing, and subject to sections 326, 328 and 329 the court may award to a trustee, an examiner, a professional person employed under section 327 or 1103.

(A) Reasonable compensation for actual, necessary services rendered by the trustee, examiner, professional person, or attorney and by any paraprofessional person employed by any such person; and

(B) Reimbursement for actual, necessary expenses.

28. 11 U.S.C. Section 503 states, in relevant part:

(a) An entity may timely file a request for payment of an administrative expense, . . .

(b) After notice and a hearing, there shall be allowed administrative expenses, . . . including –

(2) compensation and reimbursement awarded under Section 330(a) of this title.

29. 11 U.S.C. Section 331 authorizes the application for and payment of compensation or reimbursement as follows:

A trustee, an examiner, a debtor's attorney, or any professional person employed under section 327 or 1103 of this title may apply to the court not more than once every 120 days after an order for relief in a case under this title, or more often if the court permits, for such compensation for services rendered before the date of such an application or reimbursement for expenses incurred before such date as is provided under section 330 of this title. After notice and a hearing, the court may allow and disburse such compensation or reimbursement.

30. This Fee Application is brought pursuant to 11 U.S.C. Sections 330(a), 331 and 503(b) and Region 17 Guidelines Subsection (b).

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VIII.

STATEMENT RE: AMOUNT OF COMPENSATION SOUGHT TO BE ALLOWED

31. This Fee Application seeks allowance of compensation as follows: (a) \$58,710.00 for professional services rendered during the period from June 3, 2015, through and including November 11, 2015; and (b) reimbursement of actual expenses in the amount of \$1,937.08 incurred by the Firm during the period from June 3, 2015, through and including November 11, 2015.

IX.

STATEMENT REGARDING SERVICES RENDERED, HOURLY RATES, AND EXPENSES INCURRED

32. The above-captioned bankruptcy case is a Chapter 7 case.

33. Services rendered by Applicant are set forth in detail in the billing entries attached as **Exhibit "1"** to the Houmand Declaration. The billing entries attached as **Exhibit "1"** to the Houmand Declaration reflect the tasks and includes a detailed list of all time for which compensation is sought, including date of service, designation of category of person rendering service, and description of time spent and tasks performed. See "Guidelines" subsection (b)(4); Bankruptcy Rule 2016(a)(1).

34. Actual expenses incurred by the Firm during the Fee Application Period are attached as **Exhibit "2"** to the Houmand Declaration.

35. No unusual or costly expenses are listed above.

36. The Firm has charged customary rates for fees which are allowed by attorneys in this area pursuant to 11 U.S.C. § 330.

37. The Firm is not employed on a contingency basis and, as in all bankruptcy proceedings, the fees charged are subject to the discretion of the Court.

38. For the convenience of the Court, the U.S. Trustee, and all interested parties, the following paragraphs set forth a narrative statement, summary and explanation of certain activities and services performed during the time covered by the Fee Application Period. The Firm expended a total of 195.7 hours in providing services on behalf of the Trustee in the Bankruptcy Case. To provide an orderly and meaningful summary of the services rendered by the

1 Firm in accordance with applicable law and guidelines the Firm utilized the following separate
2 project billing categories in the Fee Application Period to provide a breakdown of the time
3 expended:

4 B110 – Case Administration. The entries in this category relate to the work performed
5 pertaining to operational and administrative matters including telephone communications and
6 emails with various creditors and interested parties on an on-going day-to-day basis. The tasks
7 identified in this category include communications with landlords, tenants, realtors, and their
8 counsel and meetings with Debtor’s counsel and its principal, John Brown. Time was also
9 expended in the preparation of status reports to provide to the Court and placed on the website
10 established for this bankruptcy filing. Time was further expended in this category for the
11 continual up-dating of the Ameri-Dream Realty website which provides relevant and helpful
12 information and all file-stamped documents to the interested parties of the Debtor. The Firm
13 expended 46.2 hours and spent \$13,860 in this category.

14 B120 – Asset Analysis & Recovery. The entries in this category relate to the investigation
15 and analysis of the recovery of assets for ultimate distribution to the priority and unsecured
16 creditors of the Debtor’s bankruptcy estate. This category includes extensive communications
17 with third parties in the recovery of funds. The majority of the time expended was for the
18 investigation and ultimate filing of the motion for turnover of approximately Seven Hundred
19 Thousand Dollars (\$700,000) of the funds which were not embezzled by Elsie Peladas-Brown and
20 placed into the IOLTA bank account of Debtor’s bankruptcy counsel. The Firm expended 82.0
21 hours and spent \$24,600 in this category.

22 B160 – Preparation of Fee Application/Employment Applications. The entries in this
23 category relate to the filing of the Application to Employ the Firm as general bankruptcy counsel
24 and the instant Fee Application. The Firm expended 7.1 hours and spent \$2,130 in this category.

25 B190 – Other Contested Matters. The entries in this category consist of the litigation
26 brought by Schwartz Flansburg, PLLC regarding the action against Elsie Peladas-Brown and the
27 ensuing action against the errors and omissions insurance policy. The Firm expended 13.4 hours
28 and spent \$4,020 in this category.

1 B310 – Claims Administration. The entries in this category primarily relate to the
2 communications with GCG regarding the various claims filed with GCG as the claims and
3 noticing agent. The time spent in this category also involves time expended for a preliminary
4 analysis of the types of claims and the duplication of claims filed by the landlord and
5 corresponding tenant. Time spent in this category also involves a preliminary analysis of the
6 objections to various claims. The Firm expended 47 hours and spent \$14,100 in this category.

7 **X.**

8 **STATEMENT REGARDING EXPERTISE REQUIRED**

9 39. The Firm is skilled in insolvency proceedings and Chapter 7 Trustee cases, and has
10 special knowledge which enabled the Firm to perform services of benefit to the Trustee and her
11 bankruptcy estate. Specialized knowledge and skills with respect to insolvency practice, and
12 procedure and law are required to handle the problems which arise in the bankruptcy context.

13 **XI.**

14 **STATEMENT REGARDING PAYMENTS MADE OR PROMISED**
15 **AND AGREEMENTS TO SHARE COMPENSATION**

16 40. No payments have been made or promised to the Firm for services rendered or to
17 be rendered in connection with this case, other than those payments described in this Fee
18 Application.

19 41. No agreement or understanding exists between the Firm and any other entity for
20 the sharing of compensation received or to be received for services rendered in connection with
21 this case, except as permitted under Section 504(b)(1).

22 42. The Trustee is a member of the Firm and regularly employs the Firm to represent
23 bankruptcy estates in other unrelated bankruptcy cases in which she is the Trustee. The Trustee
24 did not personally bill any legal fees in the Bankruptcy Case.

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XII.

CONCLUSION

WHEREFORE, the Firm respectfully requests that this Court enter an Order granting this Second Interim Fee Application, and approving and allowing compensation in the amount of \$58,710 and reimbursement of expenses in the amount of \$1,937.08 for the Fee Application Period consistent with the terms of this Second Interim Fee Application.

Dated this 11th day of November, 2015.

NELSON & HOUMAND, P.C.

/s/ Jacob L. Houmand

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

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