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Electronically Filed On: March 9, 2018

6 *Counsel for Shelley D. Krohn, Chapter 7 Trustee*

7
8 **UNITED STATES BANKRUPTCY COURT**

9 **DISTRICT OF NEVADA**

10 In re:
11 ROBERT C. GRAHAM, LTD. fdba ROB
12 GRAHAM & ASSOCIATES fdba
13 LAWYERSWEST,
14 Debtor.

Case No. BK-S-16-16655-BTB
Chapter 7

**NOTICE OF HEARING ON MOTION TO
APPROVE COMPROMISE PURSUANT
TO FEDERAL RULE OF BANKRUPTCY
PROCEDURE 9019**

Date of Hearing: April 24, 2018
Time of Hearing: 1:30 P.m.
Place: Courtroom No. 4, Second Floor
Foley Federal Building
300 Las Vegas Blvd., S.
Las Vegas, NV 89101

Judge: Honorable Bruce T. Beesley¹

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20 **NOTICE IS HEREBY GIVEN** that the *Motion to Approve Compromise Pursuant to*
21 *Federal Rule of Bankruptcy Procedure 9019* (the “Motion”) was filed by Shelley D. Krohn, the
22 Chapter 7 Trustee (the “Trustee”) in the above-captioned bankruptcy case, by and through her
23 counsel of record, Jacob L. Houmand, Esq. and Kyle J. Ortiz, Esq. of the Houmand Law Firm,
24 Ltd.

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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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1 The Motion seeks an order approving a settlement agreement and stipulation (respectively,
2 the “Settlement Agreement” and “Homestead Stipulation”) entered into between the Trustee and
3 Daniel A. Hepner (“Trustee Hepner”) that resolves a dispute concerning the homestead exemption
4 claimed by Linda Marie Graham (“Ms. Graham”) and the sale of the property located at 5803 Old
5 Legacy Drive, Fort Collins, Colorado 80525 (the “Property”). Pursuant to Local Rule 9019(c),
6 notice is hereby given that the terms of the Settlement Agreement include the following:

7 a. In consideration of a resolution of the dispute concerning the sale of the
8 Property and Ms. Graham’s claimed homestead exemption, Ms. Graham shall be entitled to the
9 sum of \$8,000 from the proceeds received from the sale of the Property (the “Allowed Homestead
10 Exemption”).

11 b. The Allowed Homestead Exemption shall be paid to Ms. Graham following
12 the entry of orders approving the Homestead Stipulation in both Ms. Graham’s bankruptcy case
13 and the Debtor’s bankruptcy case.

14 c. In the event the orders approving the Homestead Stipulation have not been
15 entered by the date of the closing of the Property, Trustee Hepner shall hold such funds in a
16 bankruptcy estate account pending entry of the appropriate orders.

17 d. The “net proceeds” from the sale of the Property shall be divided between
18 the Trustee and Trustee Hepner as follows: (a) Trustee shall receive fifty percent (50%) of the net
19 proceeds from the sale of the Property; and (b) Trustee Hepner shall receive fifty percent (50%)
20 of the net proceeds from the sale of the Property.

21 e. The term “net proceeds” will be defined as the amount actually realized
22 from the sale of the Property after deducting all costs associated with the sale including, but not
23 limited to, the pay-off of properly perfected secured liens, the Allowed Homestead Exemption in
24 the amount of \$8,000.00, broker and escrow fees, the expenses incurred by Ms. Graham to
25 preserve the Property during the pendency of the bankruptcy case up to a maximum amount of
26 \$1,800.00, and attorney fees incurred by Trustee Hepner in obtaining an order authorizing the sale
27 of the Property.

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1 f. The net proceeds total \$7,942.97, thereby entitling the Trustee and Trustee
2 Hepner to the payment of \$3,971.48 each.

3 g. The Trustee and Trustee Hepner will provide mutual releases from any and
4 all claims concerning the Property.

5 The description of the Settlement Agreement and Homestead Exemption set forth herein is
6 a summary only and does not modify or otherwise affect the terms of the Settlement Agreement
7 and Homestead Stipulation. To the extent of any conflict between the description of the
8 Settlement Agreement and the Homestead Exemption as set forth herein, the Settlement
9 Agreement and Homestead Exemption shall control.

10 A copy of the Motion, and the *Declaration of Shelley D. Krohn In Support of Motion to*
11 *Approve Compromise Pursuant to Federal Rule of Bankruptcy Procedure 9019* are on file with
12 the Clerk's Office of the United States Bankruptcy Court, 300 Las Vegas Blvd. South, Fourth
13 Floor, Las Vegas, Nevada 89101. Copies of the Motion and any supporting declarations may also
14 be obtained from counsel for the Trustee or through the Bankruptcy Court's website at
15 www.nvb.uscourts.gov.

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

22 If you object to the relief requested, you *must* file a **WRITTEN** response to this pleading
23 with the court. You *must* also serve your written response on the person who sent you this
24 notice.

25 If you do not file a written response with the court, or if you do not serve your written
26 response on the person who sent you this notice, then:

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

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NOTICE IS FURTHER GIVEN that the hearing on said Motion will be held before a United States Bankruptcy Judge, in the Foley Federal Building, 300 Las Vegas Blvd. South, Second Floor, Courtroom No. 4, Las Vegas, Nevada on April 24, 2018 at 1:30 p.m.

NOTICE IS FURTHER GIVEN that this hearing may be continued from time to time without further notice except for the announcement of any adjourned dates and times at the above-noted hearing or any adjournment thereof.

Dated this 9th day of March, 2018.

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By: /s/ Kyle J. Ortiz
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