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

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-GS
Chapter 7

DECLARATION OF JACOB L. HOUMAND, ESQ. IN SUPPORT OF EX PARTE APPLICATION TO EMPLOY HOUMAND LAW FIRM, LTD., NUNC PRO TUNC, AS GENERAL BANKRUPTCY COUNSEL FOR SHELLEY D. KROHN, SUCCESSOR CHAPTER 7 TRUSTEE, PURSUANT TO 11 U.S.C. §§ 327(a) AND 328(a) AND FEDERAL RULE OF BANKRUPTCY PROCEDURE 2014

Date of Hearing: N/A
Time of Hearing: N/A

Judge: Honorable Gary Spraker

20
21 I, JACOB L. HOUMAND, Esq., hereby declare as follows:

22 1. I am over the age of 18 and mentally competent. Except where stated on
23 information and belief, I have personal knowledge of the facts in this matter and if called upon to
24 testify, could and would do so.

25 2. I make this declaration to support the *Ex Parte Application to Employ Houmand*
26 *Law Firm, Ltd., Nunc Pro Tunc, As General Bankruptcy Counsel for Shelley D. Krohn, Successor*
27 *Chapter 7 Trustee, Pursuant to 11 U.S.C. §§ 327(a) and 328(a) and Federal Rule of Bankruptcy*
28 *Procedure 2014* (the "Application").

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1 3. I am an attorney licensed to practice law in the State of Nevada and admitted to
2 practice before this Court. I am a shareholder with the Houmand Law Firm, Ltd. (the “Firm”).

3 4. This Declaration is made pursuant to 11 U.S.C. § 329 and Federal Rule of
4 Bankruptcy Procedure 2014(b) and is in support of the Application.¹

5 5. The Firm is well suited for the type of representation required by Shelley D.
6 Krohn, the successor Chapter 7 Trustee (the “Trustee”). The Firm specializes in insolvency and
7 reorganization matters, particularly the representation of Chapter 7 Trustees in bankruptcy cases.
8 Attorneys associated with the Firm have represented debtors, Chapter 7 Trustees, creditors, and
9 other parties-in-interest, and is qualified to act as attorneys for the Trustee. Accordingly, the
10 Trustee has determined that the Firm has the resources and experience necessary to represent it in
11 this case.

12 6. The attorneys of the Firm that will render services in relation to the above-
13 captioned bankruptcy case are familiar with the United States Bankruptcy Code, the Federal
14 Rules of Bankruptcy Procedure, the Federal Rules of Civil Procedure, and the Local Rules of
15 Practice for the United States Bankruptcy Court for the District of Nevada (the “Local Rules”)
16 and will comply with them, as well as the procedures set forth in the “Guide to Applications for
17 Professional Compensation,” promulgated by the Office of the United States Trustee (the “U.S.
18 Trustee”) with regard to compensation of professionals.

19 7. Following the Trustee’s request that the Firm represent him in this case as general
20 bankruptcy counsel, a conflicts check was undertaken, utilizing the Firm’s client list. Based upon
21 the conflicts check and my information and belief, I believe that the Firm and its attorneys are
22 “disinterested persons” as defined by 11 U.S.C. § 101 and do not hold or represent any interest
23 adverse to the bankruptcy estate.

24 _____
25 ¹ Unless otherwise indicated, all chapter and section references are to the Bankruptcy Code, 11
26 U.S.C. §§ 101-1532, and to the Federal Rules of Bankruptcy Procedure, Rules 1001-9037. The
27 Federal Rules of Civil Procedure will be referred to as “FRCP” and the Federal Rules of
28 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”. All
defined terms shall have the same meaning ascribed to them in the Application unless otherwise
set forth herein.

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1 8. The conclusion that the Firm is a “disinterested” person within the meaning of 11
2 U.S.C. § 101(14) for purposes of 11 U.S.C. § 327(a) is based upon the fact neither the Firm nor
3 any of its attorneys:

- 4 (a) Are or were a creditor, equity security holder, or insider of
5 the Debtor;
- 6 (b) Are or were, within two (2) years before the date of the
7 filing the bankruptcy petition, a director, officer or
8 employee of Debtor as specified in subparagraph (c) of
9 Section 101(14);
- 10 (c) Hold, or have ever held, an interest materially adverse to the
11 interest of the estate or of any class of creditors, equity
12 holders, or parties in interest, by reason of any direct or
13 indirect relationship to, or interest in, the Debtor or for any
14 other reason except as stated herein;
- 15 (d) Represent, or have ever represented, the Debtor, insiders of
16 the Debtor, creditors of the Debtor, any other party in
17 interest, or their respective attorneys and accountants except
18 as set forth herein; and
- 19 (e) Is a relative or employee of the U.S. Trustee or a
20 Bankruptcy Judge except as stated herein.

21 9. The Firm was counsel of record for Victoria L. Nelson (“Trustee Nelson”), the
22 Chapter 7 Trustee that was initially appointed in the Debtor’s bankruptcy case.

23 10. Trustee Nelson was also previously a member of the Firm.

24 11. The Trustee has employed the Firm in other bankruptcy cases unrelated to the
25 above-referenced bankruptcy case in which he is a Trustee.

26 12. To the best of my knowledge and belief, the Firm represents no interest that is
27 adverse to the Trustee, Trustee Nelson, to the Debtor’s estate, any creditor, any party in interest,
28 the U.S. Trustee, or any attorney or accountant employed by the foregoing, in matters upon which
it will be engaged as counsel.

 13. The Firm also represents Chapter 7 Trustees in unrelated bankruptcy cases pending
before the United States Bankruptcy Court for the District of Nevada.

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1 14. Except as set forth herein, to the best of my information and belief, neither the
2 Firm nor any of its attorneys has any connection with the Debtor, the creditors, any other parties
3 in interest, their respective attorneys and accountants, the Office of the United States Trustee, or
4 any person employed in the Office of the United States Trustee and that the Firm and each of its
5 attorneys are all disinterested persons pursuant to 11 U.S.C. § 101(14).

6 15. The Trustee desires to employ the Firm as his general counsel in the above-
7 captioned case to render the following professional services:

- 8 (a) To investigate the financial affairs of the Debtor and
9 determine if there are any preferential transfers, fraudulent
10 conveyances, or turnover actions that may be filed on behalf
11 of the bankruptcy estate pursuant to 11 U.S.C. §§ 542, 544,
12 547, and 548.
- 13 (b) To prosecute any and all preferential transfers, fraudulent
14 conveyances, or turnover actions that may be filed on behalf
15 of the bankruptcy estate pursuant to 11 U.S.C. §§ 542, 544,
16 547, and 548.
- 17 (c) To advise the Trustee of his rights and obligations and
18 performance of his duties during the administration of this
19 bankruptcy case;
- 20 (d) To represent the Trustee in all proceedings before this Court
21 and any other court which assumes jurisdiction of a matter
22 related to or arising in this bankruptcy case;
- 23 (e) To assist the Trustee in the performance of his duties as set
24 forth in 11 U.S.C. § 704;
- 25 (f) To assist the Trustee in developing legal positions and
26 strategies with respect to all facets of these proceedings; and
- 27 (g) To provide such other counsel and advice as the Trustee
28 may require in connection with this bankruptcy case.

1 16. Subject to Court approval, in accordance with 11 U.S.C. § 330, the Trustee seeks
2 to retain the Firm on an hourly basis at the customary and standard rates that the Firm charges for
3 similar representation, plus reimbursement of actual and necessary expenses incurred by the Firm
4 in performing its duties.

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1 17. The Firm proposes the compensation of said attorneys be at varying rates currently
2 ranging from \$275 per hour to \$350 per hour for the services of attorneys, subject to change from
3 time to time, and all subject to application to, and approval by, this Court pursuant to Sections
4 330 and 331 of the Bankruptcy Code. These rates are the standard billing rates generally charged
5 to other Firm clients.

6 18. The Firm proposes the compensation of said paraprofessionals be at varying rates
7 currently ranging from \$175 per hour for paraprofessionals, subject to change from time to time,
8 and all subject to application to, and approval by, this Court pursuant to Sections 330 and 331 of
9 the Bankruptcy Code. A true and correct copy of the proposed Retainer Agreement with the
10 Trustee is attached hereto as **Exhibit "1"**.

11 19. The Firm contemplates that it may seek interim compensation during this case as
12 permitted by 11 U.S.C. § 331 and Federal Rule of Bankruptcy Procedure 2016. The Firm
13 understands that its compensation is subject to prior Court approval.

14 20. The Firm further requests that its employment be approved *nunc pro tunc* as of the
15 appointment of the Trustee.

16 21. No promises have been received by the Firm or any attorney of the Firm, as to
17 payment or compensation in connection with the above-referenced bankruptcy case in accordance
18 with the provisions of the Bankruptcy Code, FRBP and the Local Rules (the "Local Rules") and
19 orders of the Court. The Firm has no agreement with any other entity to share with such entity
20 any compensation received by the Firm, except as permitted under Section 504(b)(1).

21 22. The Firm has not shared, or agreed to share, with any other individual or entity,
22 other than with members of the Firm, any compensation paid or to be paid.

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

25 Dated this 19th day of March, 2018.

26
27 
28 Jacob L. Houmand, Esq.