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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 SHELLEY D. KROHN IN SUPPORT OF TRUSTEE'S FIRST OMNIBUS OBJECTION TO PROOFS OF CLAIM PURSUANT TO 11 U.S.C. § 502(b)(1) AND FEDERAL RULE OF BANKRUPTCY PROCEDURE 3007—CLAIM NUMBERS 33-1, 52-2, 53-1, 62-1, 71-2, 76-1, 79-1, 95-1, 135-1, 148-1, 150-2, 151-2, 206-1, 218-1, 345-1, 494-1, 505-1, 506-1, 509-1, 550-1, 551-1, 552-1, 553-1, 554-1, 559-1, 611-1, 652-1, 661-1, 668-1, 830-1, 842-1, 844-1, 845-1, 853-1, 858-1, 907-1, AND 917-1 BASED ON IMPROPER ASSERTION OF A PRIORITY CLAIM FOR UNPAID REAL ESTATE COMMISSIONS

Date of Hearing: May 22, 2020
Time of Hearing: 9:30 a.m.
Place: Courtroom No. To Be Determined
Foley Federal Building
300 Las Vegas Blvd., S.
Las Vegas, NV 89101

Judge: Honorable Gary Spraker

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27 I, Shelley D. Krohn, declare as follows:

28 1. I am over the age of 18 years and I am competent to make this declaration. I have

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1 personal knowledge of the facts set forth herein, except for those facts stated on information and
2 belief and, as to those facts, I am informed and believe them to be true. If called as a witness, I
3 could and would testify as to the matters set forth below based upon my personal knowledge.¹

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

5 3. I make this declaration to support the *Trustee's First Omnibus Objection To Proofs*
6 *Of Claim Pursuant To 11 U.S.C. § 502(B)(1) And Federal Rule Of Bankruptcy Procedure 3007—*
7 *Claim Numbers 33-1, 52-2, 53-1, 62-1, 71-2, 76-1, 79-1, 95-1, 135-1, 148-1, 150-2, 151-2, 206-1,*
8 *218-1, 345-1, 494-1, 505-1, 506-1, 509-1, 550-1, 551-1, 552-1, 553-1, 554-1, 559-1, 611-1, 652-*
9 *1, 661-1, 668-1, 830-1, 842-1, 844-1, 845-1, 853-1, 858-1, 907-1, and 917-1 Based On Improper*
10 *Assertion Of A Priority Claim For Unpaid Real Estate Commissions (the “Objection”).*²

11 4. On January 9, 2015 (the “Petition Date”), the Debtor filed a voluntary bankruptcy
12 pursuant to Chapter 7 of Title 11 of the United States Code [ECF No. 1]³.

13 5. On January 9, 2015, Victoria L. Nelson (“Trustee Nelson”) was appointed as the
14 Chapter 7 Trustee in the Debtor’s bankruptcy case [ECF No. 4].

15 6. On January 28, 2015, the Court entered an *Amended Notice of Chapter 7*
16 *Bankruptcy Case* [ECF No. 12] that established May 14, 2015, as the deadline for creditors to file
17 proofs of claim.

18 7. On February 9, 2015, Trustee Nelson filed an *Application for Order Authorizing*
19 *Employment of the Garden City Group, LLC As Claims and Noticing Agent* [ECF No. 88].

20 8. On February 27, 2015, the Court entered an *Order Granting Application for Order*
21 *Authorizing Employment of the Garden City Group, LLC As Claims and Noticing Agent* [ECF No.

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”.

² Unless otherwise provided herein, all defined terms shall have the same meaning ascribed to
28 them in the Objection.

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.

1 128].

2 9. Since its employment, GCG has been maintaining the Proofs of Claim that have
3 been submitted by creditors.

4 10. On September 30, 2015, Trustee Nelson filed a *Motion for (1) Turnover of Security*
5 *Deposits Held In Trust Account of McDonald Carano Wilson Pursuant to 11 U.S.C. § 542 and (2)*
6 *Authority to Administer Security Deposits Through the Debtor's Bankruptcy Estate Pursuant to*
7 *11 U.S.C. § 105(a)* [ECF No. 181] (the "Turnover Motion").

8 11. The Turnover Motion sought authority for approximately \$707,567.29 – the
9 balance of the Security Deposits that were in the Debtor's possession as of the Petition Date –
10 held in the IOLTA Account of counsel for the Debtor to be transferred to Trustee Nelson so that
11 the funds could be administered for the benefit of creditors.

12 12. The Turnover Motion was supported by counsel for the Debtor, an accountant
13 employed by the Debtor prior to the Petition Date, and the Nevada Real Estate Division.

14 13. On November 6, 2015, the Court entered an *Order Granting Motion for (1)*
15 *Turnover of Security Deposits Held In Trust Account of McDonald Carano Wilson Pursuant to 11*
16 *U.S.C. § 542 and (2) Authority to Administer Security Deposits Through the Debtor's Bankruptcy*
17 *Estate Pursuant to 11 U.S.C. § 105(a)* [ECF No. 196] (the "Turnover Order").

18 14. The Turnover Order provided that the security deposits held in the IOLTA
19 Account of counsel for the Debtor would be transferred to the Debtor's bankruptcy estate and
20 administered pursuant to Section 726.

21 15. On January 13, 2018, Trustee Nelson died.

22 16. On January 19, 2018, I was appointed as the successor Chapter 7 Trustee in the
23 Debtor's bankruptcy case.

24 17. On February 17, 2015, Real Estate by Design, LLC filed a timely claim claiming
25 priority under 11 U.S.C. § 507(a)(4) in the amount of \$250.00. Pursuant to LR 3007(a)(4), a true
26 and correct copy of the first page of Claim 33-1 is attached to the Objection as **Exhibit "1"**.

27 18. On March 6, 2015, Chi Kin (Freddie) Lam filed a claim claiming both a secured
28 claim and a priority under 11 U.S.C. § 507(a)(4) in the amount of \$2,525.00. An amended claim

1 was filed on October 20, 2015, which continued to assert both a secured and priority claim in the
2 amount of \$2,525.00. Pursuant to LR 3007(a)(4), a true and correct copy of the first page of
3 Claim 71-2 is attached to the Objection as **Exhibit “2”**.

4 19. On March 10, 2015, Mark Brown filed a claim claiming priority under 11 U.S.C. §
5 507(a)(4) in the amount of \$1,408.00. Pursuant to LR 3007(a)(4), a true and correct copy of the
6 first page of Claim 76-1 is attached to the Objection as **Exhibit “3”**.

7 20. On March 11, 2015, Phillip Poon filed a claim claiming priority under 11 U.S.C. §
8 507(a)(4) in the amount of \$2,300.00. Pursuant to LR 3007(a)(4), a true and correct copy of the
9 first page of Claim 79-1 is attached to the Objection as **Exhibit “4”**.

10 21. On March 19, 2015, Thomas Kordick filed a claim claiming priority under 11
11 U.S.C. § 507(a)(4) in the amount of \$6,875.00. Pursuant to LR 3007(a)(4), a true and correct copy
12 of the first page of Claim 95-1 is attached to the Objection as **Exhibit “5”**.

13 22. On April 7, 2015, Lan Li filed a claim claiming priority under 11 U.S.C. §
14 507(a)(4) in the amount of \$5,128.00. Pursuant to LR 3007(a)(4), a true and correct copy of the
15 first page of Claim 135-1 is attached to the Objection as **Exhibit “6”**.

16 23. On April 10, 2015, Felipe Ochoa filed a claim claiming priority under 11 U.S.C. §
17 507(a)(4) in the amount of \$5,093.00. Pursuant to LR 3007(a)(4), a true and correct copy of the
18 first page of Claim 148-1 is attached to the Objection as **Exhibit “7”**.

19 24. On April 10, 2015, Zion Cin filed a claim claiming priority under 11 U.S.C. §
20 507(a)(4) in the amount of \$5,860.00. On April 24, 2015, Zion Cin filed an amended claim again
21 asserting a priority claim in the amount of \$5,860.00 under 11 U.S.C. § 507(a)(4). Pursuant to LR
22 3007(a)(4), a true and correct copy of the first page of Claim 150-2 is attached to the Objection as
23 **Exhibit “8”**.

24 25. On April 10, 2015, Zion Cin filed a claim claiming priority under 11 U.S.C. §
25 507(a)(4) in the amount of \$4,425.00. On April 24, 2015, Zion Cin filed an amended claim again
26 asserting a priority claim in the amount of \$4,425.00 under 11 U.S.C. § 507(a)(4). Pursuant to LR
27 3007(a)(4), a true and correct copy of the first page of Claim 151-2 is attached to the Objection as
28 **Exhibit “9”**.

1 26. On April 22, 2015, Georgiana Loh filed a claim claiming priority under 11 U.S.C.
2 § 507(a)(4) in the amount of \$642.78. Pursuant to LR 3007(a)(4), a true and correct copy of the
3 first page of Claim 206-1 is attached to the Objection as **Exhibit “10”**.

4 27. On April 24, 2015, Hsiu Hui Chen filed a claim claiming priority under 11 U.S.C.
5 § 507(a)(4) in the amount of \$489.76. Pursuant to LR 3007(a)(4), a true and correct copy of the
6 first page of Claim 218-1 is attached to the Objection as **Exhibit “11”**.

7 28. On April 27, 2015, Jeff Z. Fang filed a claim claiming priority under 11 U.S.C. §
8 507(a)(4) in the amount of \$6,000.00. Pursuant to LR 3007(a)(4), a true and correct copy of the
9 first page of Claim 53-1 is attached to the Objection as **Exhibit “12”**.

10 29. On May 7, 2015, Zhiyi Zhang, LLC filed a claim claiming priority in the amount
11 of \$13,199.97.00 for real estate commissions, with no indication as to the basis for the priority of
12 the claim. Pursuant to LR 3007(a)(4), a true and correct copy of the first page of Claim 345-1 is
13 attached to the Objection as **Exhibit “13”**.

14 30. On May 8, 2015, Elly Lay filed a claim claiming priority under 11 U.S.C. §
15 507(a)(4) in the amount of \$6,300.00. Pursuant to LR 3007(a)(4), a true and correct copy of the
16 first page of Claim 494-1 is attached to the Objection as **Exhibit “14”**.

17 31. On May 8, 2015, Lerma Clapp filed a claim claiming both a secured claim and a
18 priority claim under an unspecified section of 11 U.S.C. § 507(a) in the amount of \$7,350.00.
19 Pursuant to LR 3007(a)(4), a true and correct copy of the first page of Claim 505-1 is attached to
20 the Objection as **Exhibit “15”**.

21 32. On May 9, 2015, Xia (Jean) Zhao filed a claim claiming priority under an
22 unspecified section of 11 U.S.C. § 507(a) in the amount of \$4,805.00. Pursuant to LR 3007(a)(4),
23 a true and correct copy of the first page of Claim 506-1 is attached to the Objection as **Exhibit**
24 **“16”**.

25 33. On May 11, 2015, Edgardo Cruz filed a claim claiming priority under an
26 unspecified section of 11 U.S.C. § 507(a) in the amount of \$6,929.70. Pursuant to LR 3007(a)(4),
27 a true and correct copy of the first page of Claim 509-1 is attached to the Objection as **Exhibit**
28 **“17”**.

1 34. On May 11, 2015, Beth Xie filed a claim claiming priority under 11 U.S.C. §
2 507(a)(4) in the amount of \$5,550.00. Pursuant to LR 3007(a)(4), a true and correct copy of the
3 first page of Claim 550-1 is attached to the Objection as **Exhibit "18"**.

4 35. On May 11, 2015, Sandra Flores filed a claim claiming priority under 11 U.S.C. §
5 507(a)(4) in the amount of \$3,715.00. Pursuant to LR 3007(a)(4), a true and correct copy of the
6 first page of Claim 551-1 is attached to the Objection as **Exhibit "19"**.

7 36. On May 11, 2015, Sandra Flores filed a claim claiming priority under 11 U.S.C. §
8 507(a)(4) in the amount of \$3,490.00. Pursuant to LR 3007(a)(4), a true and correct copy of the
9 first page of Claim 552-1 is attached to the Objection as **Exhibit "20"**.

10 37. On May 11, 2015, Sandra Flores filed a claim claiming priority under 11 U.S.C. §
11 507(a)(4) in the amount of \$2,845.00. Pursuant to LR 3007(a)(4), a true and correct copy of the
12 first page of Claim 553-1 is attached to the Objection as **Exhibit "21"**.

13 38. On May 11, 2015, Ivy Chan filed a claim claiming priority under 11 U.S.C. §
14 507(a)(4) in the amount of \$10,405.00. Pursuant to LR 3007(a)(4), a true and correct copy of the
15 first page of Claim 554-1 is attached to the Objection as **Exhibit "22"**.

16 39. On May 11, 2015, Adrienne Atwood filed a claim claiming priority under 11
17 U.S.C. § 507(a)(4) in the amount of \$7,180.00. Pursuant to LR 3007(a)(4), a true and correct copy
18 of the first page of Claim 559-1 is attached to the Objection as **Exhibit "23"**.

19 40. On May 11, 2015, Edgardo Cruz filed a claim claiming priority under an
20 unspecified section of 11 U.S.C. § 507(a) in the amount of \$4,709.85. Pursuant to LR 3007(a)(4),
21 a true and correct copy of the first page of Claim 611-1 is attached to the Objection as **Exhibit**
22 **"24"**.

23 41. On May 11, 2015, Maria Theresa Whisenhunt filed a claim claiming priority under
24 11 U.S.C. § 507(a)(4) in the amount of \$5,855.00. Pursuant to LR 3007(a)(4), a true and correct
25 copy of the first page of Claim 652-1 is attached to the Objection as **Exhibit "25"**.

26 42. On May 12, 2015, Jeff Z. Fang filed a claim claiming priority under 11 U.S.C. §
27 507(a)(4) in the amount of \$3,200.00. Pursuant to LR 3007(a)(4), a true and correct copy of the
28 first page of Claim 52-2 is attached to the Objection as **Exhibit "26"**.

1 43. On May 12, 2015, Elvie Malasarte filed a claim claiming priority under an
2 unspecified section of 11 U.S.C. § 507(a) in the amount of \$4,380.00. Pursuant to LR 3007(a)(4),
3 a true and correct copy of the first page of Claim 661-1 is attached to the Objection as **Exhibit**
4 **“27”**.

5 44. On May 12, 2015, Yung-Gi Yao filed a claim claiming priority under 11 U.S.C. §
6 507(a)(4) in the amount of \$9,987.00. Pursuant to LR 3007(a)(4), a true and correct copy of the
7 first page of Claim 668-1 is attached to the Objection as **Exhibit “28”**.

8 45. On May 14, 2020, Branden C. Cinquegrani filed a claim claiming priority under 11
9 U.S.C. § 507(a)(4) in the amount of \$10,905.00. Pursuant to LR 3007(a)(4), a true and correct
10 copy of the first page of Claim 62-1 is attached to the Objection as **Exhibit “29”**.

11 46. On May 14, 2015, Kevin Chang filed a claim claiming priority under 11 U.S.C. §
12 507(a)(4) in the amount of \$4,230.00. Pursuant to LR 3007(a)(4), a true and correct copy of the
13 first page of 830-1 is attached to the Objection as **Exhibit “30”**.

14 47. On May 14, 2015, Kevin Chang filed a claim claiming priority under 11 U.S.C. §
15 507(a)(4) in the amount of \$3,450.00. Pursuant to LR 3007(a)(4), a true and correct copy of the
16 first page of Claim 842-1 is attached to the Objection as **Exhibit “31”**.

17 48. On May 14, 2015, Feng Chen (Grace Chen, LLC) filed a claim claiming priority
18 under 11 U.S.C. § 507(a)(4) in the amount of \$9,898.34. Pursuant to LR 3007(a)(4), a true and
19 correct copy of the first page of Claim 844-1 is attached to the Objection as **Exhibit “32”**.

20 49. On May 14, 2015, Rong Chen (AKA Kathy Chen) filed a claim claiming priority
21 under 11 U.S.C. § 507(a)(4) in the amount of \$3,434.40. Pursuant to LR 3007(a)(4), a true and
22 correct copy of the first page of Claim 845-1 is attached to the Objection as **Exhibit “33”**.

23 50. On May 14, 2015, Joan Chung filed a claim claiming priority under 11 U.S.C. §
24 507(a)(4) in the amount of \$5,263.00. Pursuant to LR 3007(a)(4), a true and correct copy of the
25 first page of Claim 853-1 is attached to the Objection as **Exhibit “34”**.

26 51. On May 14, 2015, Joan Chung filed a claim claiming priority under 11 U.S.C. §
27 507(a)(4) in the amount of \$1,909.70. Pursuant to LR 3007(a)(4), a true and correct copy of the
28 first page of Claim 858-1 is attached to the Objection as **Exhibit “35”**.

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52. On May 14, 2015, Lance Kallfelz filed a claim claiming priority under 11 U.S.C. § 507(a)(4) in the amount of \$12,475.00. Pursuant to LR 3007(a)(4), a true and correct copy of the first page of Claim 907-1 is attached to the Objection as **Exhibit “36”**.

53. On May 14, 2015, M. Esperanza Palaez filed a claim claiming priority under 11 U.S.C. § 507(a)(4) in the amount of \$4,992.99. Pursuant to LR 3007(a)(4), a true and correct copy of the first page of Claim 917-1 is attached to the Objection as **Exhibit “37”**.

54. On February 10, 2020, the Court entered an *Order Granting Ex Parte Motion to Permit the Joinder of Objections to Proofs of Claim Pursuant to Federal Rule of Bankruptcy Procedure 3007(c)* (the “Joinder Order”) [ECF No. 306].

55. The Joinder Order allows the Trustee to object to multiple proofs of claim in a single objection when the legal theory underpinning the objection is identical.

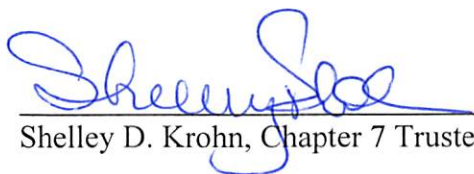
56. Each of the above referenced proofs of claim was timely filed.

57. Each of the above referenced proofs of claim assert a priority claim based upon commissions for the sale of real estate by an independent contractor.

58. I now seek an order reclassifying the above referenced claims as general unsecured claims.

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

Dated this 20 day of April, 2020.



Shelley D. Krohn, Chapter 7 Trustee