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**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:  
AMERI-DREAM REALTY, LLC,  
  
Debtor.

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

**TRUSTEE’S SECOND OMNIBUS  
OBJECTION TO PROOFS OF CLAIM  
PURSUANT TO 11 U.S.C. § 502(b)(1) AND  
FEDERAL RULE OF BANKRUPTCY  
PROCEDURE 3007—CLAIM NUMBERS  
3-1, 9-1, 10-1, 11-1, 12-1, 14-1, 17-2, 21-2,  
22-1, 27-1, 30-1, 35-1, 37-1, 39-1, 43-1, 51-1,  
66-1, 67-1, 68-1, 70-1, 75-2, 77-1, 78-1, 80-1,  
81-1, 89-1, 90-1, 91-1, 92-1, 94-1, 99-1, 101-  
1, 102-1, 106-1, 107-1, 110-1, 112-1, 114-  
1, 116-1, 121-1, 122-1, 124-1, 125-1, 126-1,  
127-1, 129-1, 130-1, 131-1, 132-1, 134-1, 138-  
1, 139-1, 140-1, 141-1, 146-1, 147-1, 149-2,  
152-1, 153-1, 154-1, 155-1, 156-1, 157-1, 158-  
1, 159-1, 161-1, 162-1, 164-1, 165-1, 166-1,  
167-1, 170-1, 192-1, 193-1, 194-1, 198-1, 199-  
1, 200-1, 202-1, 203-1, 204-1, 205-1, 207-1,  
208-1, 210-1, 211-1, 212-1, 213-1, 215-1 216-  
1, 217-1, 220-1, 222-1, 223-1, 225-1, 226-1,  
AND 227-1 BASED ON IMPROPER  
ASSERTION OF A PRIORITY CLAIM  
BY A LANDLORD FOR A SECURITY  
DEPOSIT**

Date of Hearing: August 13, 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

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Judge: Honorable Gary Spraker <sup>1</sup>

Shelley D. Krohn, the duly appointed Chapter 7 Trustee in the above-captioned bankruptcy case (the “Trustee”), by and through her counsel of record, Jacob L. Houmand, Esq. and Bradley G. Sims, Esq. of the Houmand Law Firm, Ltd., hereby submits the *Trustee’s Second Omnibus Objection To Proofs Of Claim Pursuant To 11 U.S.C. § 502(B)(1) And Federal Rule Of Bankruptcy Procedure 3007—Claim Numbers 3-1, 9-1, 10-1, 11-1, 12-1, 14-1, 17-2, 21-2, 22-1, 27-1, 30-1, 35-1, 37-1, 39-1, 43-1, 51-1, 66-1, 67-1, 68-1, 70-1, 75-2, 77-1, 78-1, 80-1, 81-1, 89-1, 90-1, 91-1, 92-1, 94-1, 99-1, 101-1, 102-1, 106-1, 107-1, 110-1, 112-1, 114-1, 116-1, 121-1, 122-1, 124-1, 125-1, 126-1, 127-1, 129-1, 130-1, 131-1, 132-1, 134-1, 138-1, 139-1, 140-1, 141-1, 146-1, 147-1, 149-2, 152-1, 153-1, 154-1, 155-1, 156-1, 157-1, 158-1, 159-1, 161-1, 162-1, 164-1, 165-1, 166-1, 167-1, 170-1, 192-1, 193-1, 194-1, 198-1, 199-1, 200-1, 202-1, 203-1, 204-1, 205-1, 207-1, 208-1, 210-1, 211-1, 212-1, 213-1, 215-1, 216-1, 217-1, 220-1, 222-1, 223-1, 225-1, 226-1, and 227-1 Based On Improper Assertion Of A Priority Claim by a Landlord For a Security Deposit* (the “Objection”).

The Objection is based on the following Memorandum of Points and Authorities and the *Declaration of Shelley D. Krohn In Support of Trustee’s Second Omnibus Objection To Proofs Of Claim Pursuant To 11 U.S.C. § 502(B)(1) And Federal Rule Of Bankruptcy Procedure 3007—Claim Numbers 3-1, 9-1, 10-1, 11-1, 12-1, 14-1, 17-2, 21-2, 22-1, 27-1, 30-1, 35-1, 37-1, 39-1, 43-1, 51-1, 66-1, 67-1, 68-1, 70-1, 75-2, 77-1, 78-1, 80-1, 81-1, 89-1, 90-1, 91-1, 92-1, 94-1, 99-1, 101-1, 102-1, 106-1, 107-1, 110-1, 112-1, 114-1, 116-1, 121-1, 122-1, 124-1, 125-1, 126-1, 127-1, 129-1, 130-1, 131-1, 132-1, 134-1, 138-1, 139-1, 140-1, 141-1, 146-1, 147-1, 149-2, 152-1, 153-1, 154-1, 155-1, 156-1, 157-1, 158-1, 159-1, 161-1, 162-1, 164-1, 165-1, 166-1, 167-1, 170-1, 192-1, 193-1, 194-1, 198-1, 199-1, 200-1, 202-1, 203-1, 204-1, 205-1, 207-1, 208-1, 210-*

<sup>1</sup> 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”.

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1 1, 211-1, 212-1, 213-1, 215-1 216-1, 217-1, 220-1, 222-1, 223-1, 225-1, 226-1, and 227-1 Based  
2 On Improper Assertion Of A Priority Claim by a Landlord For a Security Deposit (the “Trustee  
3 Declaration”), which is filed separately and concurrently with this Court pursuant to Local Rule  
4 9014(c)(2). The Objection is also based on the pleadings and papers on file herein, and any  
5 argument that may be entertained at the hearing on the Objection.<sup>2</sup>

6 **In accordance with FRBP 3007(e)(1), the Trustee directs all claimants receiving this**  
7 **objection to locate their names and claims in this objection.**

8 **MEMORANDUM OF POINTS AND AUTHORITIES**

9 **I. INTRODUCTION**

10 This Omnibus Objection relates to a series of proofs of claim that assert priority under  
11 Section 507(a)(7) that were filed by landlords for security deposits. These claims are not entitled  
12 to priority pursuant to 11 U.S.C. § 507(a)(7) as only tenants are allowed a priority claim for  
13 security deposits. For this reason, the Trustee seeks an order finding that these claims are not  
14 entitled to priority under Section 507(a)(7).

15 **II. JURISDICTION AND VENUE**

16 This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1134. This  
17 is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(A). Venue before this Court is appropriate  
18 under 28 U.S.C. §§ 1408 and 1409. This matter constitutes a core proceeding under 28 U.S.C. §  
19 157(b)(2). Pursuant to Local Rule 9014.2, if the Court determines that absent consent of the  
20 parties the Court cannot enter final orders or judgment regarding the Objection consistent with  
21 Article III of the United States Constitution, the Firm consents to entry of final orders and  
22 judgment by this Court. The statutory basis for the relief sought herein are Section 502(b)(1) and  
23 FRBP 3007.

24 ...

25 ...

26 \_\_\_\_\_

27 <sup>2</sup> The Trustee also requests that the Court take judicial notice of all pleadings filed in the above-  
28 referenced bankruptcy case, including adversary proceedings, pursuant to Federal Rule of  
Evidence 201, incorporated by reference by FRBP 9017.

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**III. CLAIMS OBJECTED TO IN THIS OMNIBUS OBJECTION**

In accordance with FRBP 3007(e)(2) and (3) the following proofs of claim are objected to herein:

Claimant	Proof of Claim No.	Grounds for objection <sup>3</sup>
A&W Investment, LLC	204-1	Claim improperly asserts priority under 11 U.S.C. § 507(a)(7). This type of priority claim may not be asserted by a landlord. <i>See</i> p. 30-31.
Aguilar, Mark J.	99-1	Claim improperly asserts priority under 11 U.S.C. § 507(a)(7). This type of priority claim may not be asserted by a landlord. <i>See</i> p. 30-31.
Allarde, Vi Elvira S.	78-1	Claim improperly asserts priority under 11 U.S.C. § 507(a)(7). This type of priority claim may not be asserted by a landlord. <i>See</i> p. 30-31.
Allison, Mae Li	147-1	Claim improperly asserts priority under 11 U.S.C. § 507(a)(7). This type of priority claim may not be asserted by a landlord. <i>See</i> p. 30-31.
Apple Revocable Trust	66-1	Claim improperly asserts priority under 11 U.S.C. § 507(a)(7). This type of priority claim may not be asserted by a landlord. <i>See</i> p. 30-31.
Apple Revocable Trust	68-1	Claim improperly asserts priority under 11 U.S.C. § 507(a)(7). This type of priority claim may not be asserted by a landlord. <i>See</i> p. 30-31.
Borden, Joel Allen, Jr.	156-1	Claim improperly asserts priority under 11 U.S.C. § 507(a)(7). This type of priority claim may not be asserted by a landlord. <i>See</i> p. 30-31.

<sup>3</sup> Unless otherwise stated, page references are to the page within this motion stating the legal argument for the objection.

1	Bruce, Feifei Lin	80-1	Claim improperly asserts priority under 11
2			U.S.C. § 507(a)(7). This type of priority claim
3			may not be asserted by a landlord. <i>See</i> p. 30-31.
4	Cai, Teresa and Sean	89-1	Claim improperly asserts priority under 11
5	Wang		U.S.C. § 507(a)(7). This type of priority claim
6			may not be asserted by a landlord. <i>See</i> p. 30-31.
7	Cao, Ge and Qi Gou	92-1	Claim improperly asserts priority under 11
8			U.S.C. § 507(a)(7). This type of priority claim
9			may not be asserted by a landlord. <i>See</i> p. 30-31.
10	Capitola, LLC	43-1	Claim improperly asserts priority under 11
11			U.S.C. § 507(a)(7). This type of priority claim
12			may not be asserted by a landlord. <i>See</i> p. 30-31.
13	Chang, Augustus	161-1	Claim improperly asserts priority under 11
14			U.S.C. § 507(a)(7). This type of priority claim
15			may not be asserted by a landlord. <i>See</i> p. 30-31.
16	Chen, Shu Jen	217-1	Claim improperly asserts priority under 11
17			U.S.C. § 507(a)(7). This type of priority claim
18			may not be asserted by a landlord. <i>See</i> p. 30-31.
19	Cheung, Xin Long	193-1	Claim improperly asserts priority under 11
20			U.S.C. § 507(a)(7). This type of priority claim
21			may not be asserted by a landlord. <i>See</i> p. 30-31.
22	Chiu, Ming Wah	81-1	Claim improperly asserts priority under 11
23			U.S.C. § 507(a)(7). This type of priority claim
24			may not be asserted by a landlord. <i>See</i> p. 30-31.
25	Chou, Michelle	162-1	Claim improperly asserts priority under 11
26			U.S.C. § 507(a)(7). This type of priority claim
27			may not be asserted by a landlord. <i>See</i> p. 30-31.
28			

1	Chun, Tami	225-1	Claim improperly asserts priority under 11
2			U.S.C. § 507(a)(7). This type of priority claim
3			may not be asserted by a landlord. <i>See</i> p. 30-31.
4	Chun, Willy and Tami	226-1	Claim improperly asserts priority under 11
5	Chun		U.S.C. § 507(a)(7). This type of priority claim
6			may not be asserted by a landlord. <i>See</i> p. 30-31.
7	Chun, Willy and Tami	227-1	Claim improperly asserts priority under 11
8	Chun		U.S.C. § 507(a)(7). This type of priority claim
9			may not be asserted by a landlord. <i>See</i> p. 30-31.
10	Chung, James	112-1	Claim improperly asserts priority under 11
11			U.S.C. § 507(a)(7). This type of priority claim
12			may not be asserted by a landlord. <i>See</i> p. 30-31.
13	CME Mercantile	205-1	Claim improperly asserts priority under 11
14	Group, LLC		U.S.C. § 507(a)(7). This type of priority claim
15			may not be asserted by a landlord. <i>See</i> p. 30-31.
16	Dickinson, Kelly L.	51-1	Claim improperly asserts priority under 11
17			U.S.C. § 507(a)(7). This type of priority claim
18			may not be asserted by a landlord. <i>See</i> p. 30-31.
19	Dieu, Victor	125-1	Claim improperly asserts priority under 11
20			U.S.C. § 507(a)(7). This type of priority claim
21			may not be asserted by a landlord. <i>See</i> p. 30-31.
22	Down With It Trust	116-1	Claim improperly asserts priority under 11
23			U.S.C. § 507(a)(7). This type of priority claim
24			may not be asserted by a landlord. <i>See</i> p. 30-31.
25	Elefano, Ramon	91-1	Claim improperly asserts priority under 11
26			U.S.C. § 507(a)(7). This type of priority claim
27			may not be asserted by a landlord. <i>See</i> p. 30-31.
28			

1	Feng, Zhongming	17-2	Claim improperly asserts priority under 11
2			U.S.C. § 507(a)(7). This type of priority claim
3			may not be asserted by a landlord. <i>See</i> p. 30-31.
4	Gan, Bo	155-1	Claim improperly asserts priority under 11
5			U.S.C. § 507(a)(7). This type of priority claim
6			may not be asserted by a landlord. <i>See</i> p. 30-31.
7	Gorecke, Robert and	70-1	Claim improperly asserts priority under 11
8	Tina		U.S.C. § 507(a)(7). This type of priority claim
9			may not be asserted by a landlord. <i>See</i> p. 30-31.
10	Grewal, Hardev S.	154-1	Claim improperly asserts priority under 11
11			U.S.C. § 507(a)(7). This type of priority claim
12			may not be asserted by a landlord. <i>See</i> p. 30-31.
13	He, Ping	77-1	Claim improperly asserts priority under 11
14			U.S.C. § 507(a)(7). This type of priority claim
15			may not be asserted by a landlord. <i>See</i> p. 30-31.
16	Kuong Va Ho	127-1	Claim improperly asserts priority under 11
17			U.S.C. § 507(a)(7). This type of priority claim
18			may not be asserted by a landlord. <i>See</i> p. 30-31.
19	Hsu, Wei and	122-1	Claim improperly asserts priority under 11
20	Jacquelyn Hsu		U.S.C. § 507(a)(7). This type of priority claim
21			may not be asserted by a landlord. <i>See</i> p. 30-31.
22	Huang, Ching – Chao	37-1	Claim improperly asserts priority under 11
23			U.S.C. § 507(a)(7). This type of priority claim
24			may not be asserted by a landlord. <i>See</i> p. 30-31.
25	Huang, Eaten	146-1	Claim improperly asserts priority under 11
26			U.S.C. § 507(a)(7). This type of priority claim
27			may not be asserted by a landlord. <i>See</i> p. 30-31.
28			

1	Jin, Huanhuan	134-1	Claim improperly asserts priority under 11
2			U.S.C. § 507(a)(7). This type of priority claim
3			may not be asserted by a landlord. <i>See</i> p. 30-31.
4	JJ Investments, LLC	208-1	Claim improperly asserts priority under 11
5			U.S.C. § 507(a)(7). This type of priority claim
6			may not be asserted by a landlord. <i>See</i> p. 30-31.
7	Kong, Ricky	107-1	Claim improperly asserts priority under 11
8			U.S.C. § 507(a)(7). This type of priority claim
9			may not be asserted by a landlord. <i>See</i> p. 30-31.
10	Lang, Sen	110-1	Claim improperly asserts priority under 11
11			U.S.C. § 507(a)(7). This type of priority claim
12			may not be asserted by a landlord. <i>See</i> p. 30-31.
13	Ju, Steven	207-1	Claim improperly asserts priority under 11
14			U.S.C. § 507(a)(7). This type of priority claim
15			may not be asserted by a landlord. <i>See</i> p. 30-31.
16	Leung, Kamling Chan	152-1	Claim improperly asserts priority under 11
17			U.S.C. § 507(a)(7). This type of priority claim
18			may not be asserted by a landlord. <i>See</i> p. 30-31.
19	Lewis, Robert and	130-1	Claim improperly asserts priority under 11
20	Pamela Lewis		U.S.C. § 507(a)(7). This type of priority claim
21			may not be asserted by a landlord. <i>See</i> p. 30-31.
22	Lewis, Robert and	131-1	Claim improperly asserts priority under 11
23	Pamela Lewis		U.S.C. § 507(a)(7). This type of priority claim
24			may not be asserted by a landlord. <i>See</i> p. 30-31.
25	Lewis, Robert and	132-1	Claim improperly asserts priority under 11
26	Pamela Lewis		U.S.C. § 507(a)(7). This type of priority claim
27			may not be asserted by a landlord. <i>See</i> p. 30-31.
28			



1	Li, Jin Bin	216-1	Claim improperly asserts priority under 11
2			U.S.C. § 507(a)(7). This type of priority claim
3			may not be asserted by a landlord. <i>See</i> p. 30-31.
4	Li, Weijun and Yao	121-1	Claim improperly asserts priority under 11
5	Wang		U.S.C. § 507(a)(7). This type of priority claim
6			may not be asserted by a landlord. <i>See</i> p. 30-31.
7	Lin, Hsin-I Vivian	94-1	Claim improperly asserts priority under 11
8			U.S.C. § 507(a)(7). This type of priority claim
9			may not be asserted by a landlord. <i>See</i> p. 30-31.
10	Lin, Mimi Wei	9-1	Claim improperly asserts priority under 11
11			U.S.C. § 507(a)(7). This type of priority claim
12			may not be asserted by a landlord. <i>See</i> p. 30-31.
13	Lin, Mimi Wei	10-1	Claim improperly asserts priority under 11
14			U.S.C. § 507(a)(7). This type of priority claim
15			may not be asserted by a landlord. <i>See</i> p. 30-31.
16	Lin, Mimi Wei	11-1	Claim improperly asserts priority under 11
17			U.S.C. § 507(a)(7). This type of priority claim
18			may not be asserted by a landlord. <i>See</i> p. 30-31.
19	Lin, Mimi Wei	12-1	Claim improperly asserts priority under 11
20			U.S.C. § 507(a)(7). This type of priority claim
21			may not be asserted by a landlord. <i>See</i> p. 30-31.
22	Lin, Mimi Wei	14-1	Claim improperly asserts priority under 11
23			U.S.C. § 507(a)(7). This type of priority claim
24			may not be asserted by a landlord. <i>See</i> p. 30-31.
25	Lin, Ter-Hsien and Bei	141-1	Claim improperly asserts priority under 11
26	Ying Lin		U.S.C. § 507(a)(7). This type of priority claim
27			may not be asserted by a landlord. <i>See</i> p. 30-31.
28			

1	Liu Chiu Lan Living	165-1	Claim improperly asserts priority under 11
2	Trust		U.S.C. § 507(a)(7). This type of priority claim
3			may not be asserted by a landlord. <i>See</i> p. 30-31.
4	Liu Chiu Lan Living	166-1	Claim improperly asserts priority under 11
5	Trust		U.S.C. § 507(a)(7). This type of priority claim
6			may not be asserted by a landlord. <i>See</i> p. 30-31.
7	Louie, Julia	215-1	Claim improperly asserts priority under 11
8			U.S.C. § 507(a)(7). This type of priority claim
9			may not be asserted by a landlord. <i>See</i> p. 30-31.
10	Lozares, Robert	22-1	Claim improperly asserts priority under 11
11			U.S.C. § 507(a)(7). This type of priority claim
12			may not be asserted by a landlord. <i>See</i> p. 30-31.
13	Luo, Ai Ying	153-1	Claim improperly asserts priority under 11
14			U.S.C. § 507(a)(7). This type of priority claim
15			may not be asserted by a landlord. <i>See</i> p. 30-31.
16			Claim improperly asserts priority under 11
17			U.S.C. § 507(a)(7). This type of priority claim
18			may not be asserted by a landlord. <i>See</i> p. 30-31.
19	Ma, Michael W. and	149-2	Claim improperly asserts priority under 11
20	Annie N.		U.S.C. § 507(a)(7). This type of priority claim
21			may not be asserted by a landlord. <i>See</i> p. 30-31.
22	Ma, Michael W. and	222-1	Claim improperly asserts priority under 11
23	Annie N.		U.S.C. § 507(a)(7). This type of priority claim
24			may not be asserted by a landlord. <i>See</i> p. 30-31.
25	Ma, Michael W. and	223-1	Claim improperly asserts priority under 11
26	Annie N.		U.S.C. § 507(a)(7). This type of priority claim
27			may not be asserted by a landlord. <i>See</i> p. 30-31.
28			

1	Ng, Elaine	39-1	Claim improperly asserts priority under 11
2			U.S.C. § 507(a)(7). This type of priority claim
3			may not be asserted by a landlord. <i>See</i> p. 30-31.
4	Ng, Lai Ho	124-1	Claim improperly asserts priority under 11
5			U.S.C. § 507(a)(7). This type of priority claim
6			may not be asserted by a landlord. <i>See</i> p. 30-31.
7	Provost, Melanie	213-1	Claim improperly asserts priority under 11
8			U.S.C. § 507(a)(7). This type of priority claim
9			may not be asserted by a landlord. <i>See</i> p. 30-31.
10	Rouw, Cindy	75-2	Claim improperly asserts priority under 11
11			U.S.C. § 507(a)(7). This type of priority claim
12			may not be asserted by a landlord. <i>See</i> p. 30-31.
13	Quinn, Gene	158-1	Claim improperly asserts priority under 11
14			U.S.C. § 507(a)(7). This type of priority claim
15			may not be asserted by a landlord. <i>See</i> p. 30-31.
16	Shi, Chenrong	170-1	Claim improperly asserts priority under 11
17			U.S.C. § 507(a)(7). This type of priority claim
18			may not be asserted by a landlord. <i>See</i> p. 30-31.
19	Shi, Chenrong and	192-1	Claim improperly asserts priority under 11
20	Yongsheng Yang		U.S.C. § 507(a)(7). This type of priority claim
21			may not be asserted by a landlord. <i>See</i> p. 30-31.
22	Sno Drilling Tool, Inc.	101-1	Claim improperly asserts priority under 11
23			U.S.C. § 507(a)(7). This type of priority claim
24			may not be asserted by a landlord. <i>See</i> p. 30-31.
25	Sno Drilling Tool, Inc.	102-1	Claim improperly asserts priority under 11
26			U.S.C. § 507(a)(7). This type of priority claim
27			may not be asserted by a landlord. <i>See</i> p. 30-31.
28			

1	Sun, Hanli and Bai Yan	157-1	Claim improperly asserts priority under 11
2	Qian		U.S.C. § 507(a)(7). This type of priority claim
3			may not be asserted by a landlord. <i>See</i> p. 30-31.
4	Sun, Hanli and Bai Yan	159-1	Claim improperly asserts priority under 11
5	Qian		U.S.C. § 507(a)(7). This type of priority claim
6			may not be asserted by a landlord. <i>See</i> p. 30-31.
7	Sun Palm, LLC	106-1	Claim improperly asserts priority under 11
8			U.S.C. § 507(a)(7). This type of priority claim
9			may not be asserted by a landlord. <i>See</i> p. 30-31.
10	Tang, Bo	194-1	Claim improperly asserts priority under 11
11			U.S.C. § 507(a)(7). This type of priority claim
12			may not be asserted by a landlord. <i>See</i> p. 30-31.
13	Tsai, Ming-Hsi	220-1	Claim improperly asserts priority under 11
14			U.S.C. § 507(a)(7). This type of priority claim
15			may not be asserted by a landlord. <i>See</i> p. 30-31.
16	Tong, Changzhong	167-1	Claim improperly asserts priority under 11
17			U.S.C. § 507(a)(7). This type of priority claim
18			may not be asserted by a landlord. <i>See</i> p. 30-31.
19	Van Meter, Mary	21-2	Claim improperly asserts priority under 11
20			U.S.C. § 507(a)(7). This type of priority claim
21			may not be asserted by a landlord. <i>See</i> p. 30-31.
22	Wang, Hao	202-1	Claim improperly asserts priority under 11
23			U.S.C. § 507(a)(7). This type of priority claim
24			may not be asserted by a landlord. <i>See</i> p. 30-31.
25	Wang, Yu Ping	164-1	Claim improperly asserts priority under 11
26			U.S.C. § 507(a)(7). This type of priority claim
27			may not be asserted by a landlord. <i>See</i> p. 30-31.
28			

1	Wang, Wen Chun	35-1	Claim improperly asserts priority under 11
2			U.S.C. § 507(a)(7). This type of priority claim
3			may not be asserted by a landlord. <i>See</i> p. 30-31.
4	Wang, Zhouhang	199-1	Claim improperly asserts priority under 11
5			U.S.C. § 507(a)(7). This type of priority claim
6			may not be asserted by a landlord. <i>See</i> p. 30-31.
7	Weinvestment, LLC	67-1	Claim improperly asserts priority under 11
8			U.S.C. § 507(a)(7). This type of priority claim
9			may not be asserted by a landlord. <i>See</i> p. 30-31.
10	Winsor Properties, LLC	210-1	Claim improperly asserts priority under 11
11			U.S.C. § 507(a)(7). This type of priority claim
12			may not be asserted by a landlord. <i>See</i> p. 30-31.
13	Winsor Properties, LLC	211-1	Claim improperly asserts priority under 11
14			U.S.C. § 507(a)(7). This type of priority claim
15			may not be asserted by a landlord. <i>See</i> p. 30-31.
16	Winsor Properties, LLC	212-1	Claim improperly asserts priority under 11
17			U.S.C. § 507(a)(7). This type of priority claim
18			may not be asserted by a landlord. <i>See</i> p. 30-31.
19	Wong, Walter	198-1	Claim improperly asserts priority under 11
20			U.S.C. § 507(a)(7). This type of priority claim
21			may not be asserted by a landlord. <i>See</i> p. 30-31.
22	Xu, Ke	203-1	Claim improperly asserts priority under 11
23			U.S.C. § 507(a)(7). This type of priority claim
24			may not be asserted by a landlord. <i>See</i> p. 30-31.
25	Yan, Hong and Michael	200-1	Claim improperly asserts priority under 11
26	Chuan		U.S.C. § 507(a)(7). This type of priority claim
27			may not be asserted by a landlord. <i>See</i> p. 30-31.
28			

1	Yang, Xiaofan	138-1	Claim improperly asserts priority under 11
2			U.S.C. § 507(a)(7). This type of priority claim
3			may not be asserted by a landlord. <i>See</i> p. 30-31.
4	Yang, Xiaofan	139-1	Claim improperly asserts priority under 11
5			U.S.C. § 507(a)(7). This type of priority claim
6			may not be asserted by a landlord. <i>See</i> p. 30-31.
7	Yang, Xiaofan	140-1	Claim improperly asserts priority under 11
8			U.S.C. § 507(a)(7). This type of priority claim
9			may not be asserted by a landlord. <i>See</i> p. 30-31.
10	Yin Lang 99-11	30-1	Claim improperly asserts priority under 11
11			U.S.C. § 507(a)(7). This type of priority claim
12			may not be asserted by a landlord. <i>See</i> p. 30-31.
13	Yang, Liyue	27-1	Claim improperly asserts priority under 11
14			U.S.C. § 507(a)(7). This type of priority claim
15			may not be asserted by a landlord. <i>See</i> p. 30-31.
16	Yuan, Yuan	3-1	Claim improperly asserts priority under 11
17			U.S.C. § 507(a)(7). This type of priority claim
18			may not be asserted by a landlord. <i>See</i> p. 30-31.
19	Zhang, Dongbin	129-1	Claim improperly asserts priority under 11
20			U.S.C. § 507(a)(7). This type of priority claim
21			may not be asserted by a landlord. <i>See</i> p. 30-31.
22	Zheng, Annette Jian	90-1	Claim improperly asserts priority under 11
23			U.S.C. § 507(a)(7). This type of priority claim
24			may not be asserted by a landlord. <i>See</i> p. 30-31.
25	Zhenghao Zhang	126-1	Claim improperly asserts priority under 11
26			U.S.C. § 507(a)(7). This type of priority claim
27			may not be asserted by a landlord. <i>See</i> p. 30-31.
28			

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28	Zhoe, Joe H. and Dora  D. Qui	114-1  Claim improperly asserts priority under 11 U.S.C. § 507(a)(7). This type of priority claim may not be asserted by a landlord. <i>See</i> p. 30-31.
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#### IV. STATEMENT OF FACTS

1. On January 9, 2015 (the “Petition Date”), the Debtor filed a voluntary bankruptcy pursuant to Chapter 7 of Title 11 of the United States Code [ECF No. 1]<sup>4</sup>. *See* Trustee Declaration.

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

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

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

5. On February 27, 2015, the Court entered an *Order Granting Application for Order Authorizing Employment of the Garden City Group, LLC As Claims and Noticing Agent* [ECF No. 128]. *See* Trustee Declaration.

6. Since its employment, Garden City Group, LLC (“GCG”) has been maintaining the Proofs of Claim that have been submitted by creditors. *See* Trustee Declaration.

7. On January 13, 2018, Trustee Nelson died. *See* Trustee Declaration.

8. On January 19, 2018, the Trustee was appointed as the successor Chapter 7 Trustee in the Debtor’s bankruptcy case. *See* Trustee Declaration.

9. On January 25, 2015, Yuan Yuan filed a claim claiming priority under 11 U.S.C. § 507(a)(7) in the amount of \$3,518.00 based on a rental security deposit. A true and correct copy

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<sup>4</sup> 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.

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1 of Claim 3-1 is attached to the Trustee Declaration as **Exhibit “1”**.

2 10. On February 2, 2015, Mimi Wei Lin filed a claim claiming priority under 11  
3 U.S.C. § 507(a)(7) in the amount of \$1,850.00 based on a rental security deposit. A true and  
4 correct copy of Claim 9-1 is attached to the Trustee Declaration as **Exhibit “2”**.

5 11. On February 2, 2015, Mimi Wei Lin filed a claim claiming priority under 11  
6 U.S.C. § 507(a)(7) in the amount of \$900.00 based on a rental security deposit. A true and correct  
7 copy of Claim 10-1 is attached to the Trustee Declaration as **Exhibit “3”**.

8 12. On February 2, 2015, Mimi Wei Lin filed a claim claiming priority under 11  
9 U.S.C. § 507(a)(7) in the amount of \$1,200.00 based on a rental security deposit. A true and  
10 correct copy of Claim 11-1 is attached to the Trustee Declaration as **Exhibit “4”**.

11 13. On February 2, 2015, Mimi Wei Lin filed a claim claiming priority under 11  
12 U.S.C. § 507(a)(7) in the amount of \$1,100.00 based on a rental security deposit. A true and  
13 correct copy of Claim 12-1 is attached to the Trustee Declaration as **Exhibit “5”**.

14 14. On February 2, 2015, Mimi Wei Lin filed a claim claiming priority under 11  
15 U.S.C. § 507(a)(7) in the amount of \$700.00 based on a rental security deposit. A true and correct  
16 copy of Claim 14-1 is attached to the Trustee Declaration as **Exhibit “6”**.

17 15. On February 9, 2015, Zhongming Feng filed a claim claiming priority under 11  
18 U.S.C. § 507(a)(7) in the amount of \$975.00 based on a rental security deposit. A true and correct  
19 copy of Claim 17-2 is attached to the Trustee Declaration as **Exhibit “7”**.

20 16. On February 9, 2015, Robert Lozares filed a claim claiming priority under 11  
21 U.S.C. § 507(a)(7) in the amount of \$1,550.00 based on a rental security deposit. A true and  
22 correct copy of Claim 22-1 is attached to the Trustee Declaration as **Exhibit “8”**.

23 17. On February 10, 2015, Liyue Yang filed a claim claiming priority under 11 U.S.C.  
24 § 507(a)(7) in the amount of \$1,550.00 based on a rental security deposit. A true and correct copy  
25 of Claim 27-1 is attached to the Trustee Declaration as **Exhibit “9”**.

26 18. On February 10, 2015, Mary Van Meter filed a claim claiming priority under 11  
27 U.S.C. § 507(a)(7) in the amount of \$975.00 based on a rental security deposit. A true and correct  
28 copy of Claim 21-2 is attached to the Trustee Declaration as **Exhibit “10”**.



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- 1           19.     On February 16, 2015, Yin Lang 99-11 filed a claim claiming priority under 11  
2 U.S.C. § 507(a)(7) in the amount of \$2,000.00 based on a rental security deposit. A true and  
3 correct copy of Claim 30-1 is attached to the Trustee Declaration as **Exhibit “11”**.
- 4           20.     On February 19, 2015, Wen Chun Wang filed a claim claiming priority under 11  
5 U.S.C. § 507(a)(7) in the amount of \$1,300.00 based on a rental security deposit. A true and  
6 correct copy of Claim 35-1 is attached to the Trustee Declaration as **Exhibit “12”**.
- 7           21.     On February 22, 2015, Ching – Chao Huang filed a claim claiming priority under  
8 11 U.S.C. § 507(a)(7) in the amount of \$2,900.00 based on a rental security deposit. A true and  
9 correct copy of Claim 37-1 is attached to the Trustee Declaration as **Exhibit “13”**.
- 10          22.     On February 22, 2015, Elaine Ng filed a claim claiming priority under 11 U.S.C. §  
11 507(a)(7) in the amount of \$1,325.00 based on a rental security deposit. A true and correct copy  
12 of Claim 39-1 is attached to the Trustee Declaration as **Exhibit “14”**.
- 13          23.     On March 3, 2015, Apple Revocable Trust filed a claim claiming priority under 11  
14 U.S.C. § 507(a)(7) in the amount of \$2,500.00 based on a rental security deposit. A true and  
15 correct copy of Claim 68-1 is attached to the Trustee Declaration as **Exhibit “15”**.
- 16          24.     On March 3, 2015, Weinvestment, LLC filed a claim claiming priority under 11  
17 U.S.C. § 507(a)(7) in the amount of \$2,200.00 based on a rental security deposit. A true and  
18 correct copy of Claim 67-1 is attached to the Trustee Declaration as **Exhibit “16”**.
- 19          25.     On March 3, 2015, Apple Revocable Trust filed a claim claiming priority under 11  
20 U.S.C. § 507(a)(7) in the amount of \$2,200.00 based on a rental security deposit. A true and  
21 correct copy of Claim 66-1 is attached to the Trustee Declaration as **Exhibit “17”**.
- 22          26.     On March 6, 2015, Robert and Tina Gorecke filed a claim claiming priority under  
23 11 U.S.C. § 507(a)(7) in the amount of \$1,500.00 based on a rental security deposit. A true and  
24 correct copy of Claim 70-1 is attached to the Trustee Declaration as **Exhibit “18”**.
- 25          27.     On March 9, 2015, Capitola, LLC filed a claim claiming priority under 11 U.S.C. §  
26 507(a)(7) in the amount of \$300.00 based on a rental security deposit. A true and correct copy of  
27 Claim 43-1 is attached to the Trustee Declaration as **Exhibit “19”**.
- 28     ...

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- 1           28.     On March 10, 2015, Cindy Rouw filed a claim claiming priority under 11 U.S.C. §  
2 507(a)(7) in the amount of \$1,270.00 based on a rental security deposit. A true and correct copy  
3 of Claim 75-2 is attached to the Trustee Declaration as **Exhibit “20”**.
- 4           29.     On March 10, 2015, Ping He filed a claim claiming priority under 11 U.S.C. §  
5 507(a)(7) in the amount of \$1,400.00 based on a rental security deposit. A true and correct copy  
6 of Claim 77-1 is attached to the Trustee Declaration as **Exhibit “21”**.
- 7           30.     On March 11, 2015, Vi Elvira S. Allarde filed a claim claiming priority under 11  
8 U.S.C. § 507(a)(7) in the amount of \$2,355.00 based on a rental security deposit. A true and  
9 correct copy of Claim 78-1 is attached to the Trustee Declaration as **Exhibit “22”**.
- 10          31.     On March 11, 2015, Feifei Lin Bruce filed a claim claiming priority under 11  
11 U.S.C. § 507(a)(7) in the amount of \$1,100.00 based on a rental security deposit. A true and  
12 correct copy of Claim 80-1 is attached to the Trustee Declaration as **Exhibit “23”**.
- 13          32.     On March 11, 2015, Ming Wah Chiu filed a claim claiming priority under 11  
14 U.S.C. § 507(a)(7) in the amount of \$1,125.00 based on a rental security deposit. A true and  
15 correct copy of Claim 81-1 is attached to the Trustee Declaration as **Exhibit “24”**.
- 16          33.     On March 17, 2015, Teresa Cai & Sean Wang filed a claim claiming priority under  
17 11 U.S.C. § 507(a)(7) in the amount of \$2,000.00 based on a rental security deposit. A true and  
18 correct copy of Claim 89-1 is attached to the Trustee Declaration as **Exhibit “25”**.
- 19          34.     On March 17, 2015, Annette Jian Zheng filed a claim for \$3,434.00 and claiming  
20 priority under 11 U.S.C. § 507(a)(7) in the amount of \$1,900.00 based on a rental security  
21 deposit. A true and correct copy of Claim 90-1 is attached to the Trustee Declaration as **Exhibit**  
22 **“26”**.
- 23          35.     On March 17, 2015, Ramon Elefano filed a claim claiming priority under 11  
24 U.S.C. § 507(a)(7) in the amount of \$1,100.00 based on a rental security deposit. A true and  
25 correct copy of Claim 91-1 is attached to the Trustee Declaration as **Exhibit “27”**.
- 26          36.     On March 18, 2015, Ge Cao and Qi Gou filed a claim claiming priority under 11  
27 U.S.C. § 507(a)(7) in the amount of \$2,590.00 based on a rental security deposit. A true and  
28 correct copy of Claim 92-1 is attached to the Trustee Declaration as **Exhibit “28”**.

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1           37.     On March 19, 2015, Hsin-I Vivian Lin filed a claim claiming priority under 11  
2 U.S.C. § 507(a)(7) in the amount of \$1,450.00 based on a rental security deposit. A true and  
3 correct copy of Claim 94-1 is attached to the Trustee Declaration as **Exhibit “29”**.

4           38.     On March 20, 2015, Mark J. Aguilar filed a claim claiming priority under 11  
5 U.S.C. § 507(a)(7) in the amount of \$3,400.00 based on a rental security deposit. A true and  
6 correct copy of Claim 99-1 is attached to the Trustee Declaration as **Exhibit “30”**.

7           39.     On March 20, 2015, Sno Drilling Tool, Inc. filed a claim claiming priority under  
8 11 U.S.C. § 507(a)(7) in the amount of \$1,400.00 based on a rental security deposit. A true and  
9 correct copy of Claim 101-1 is attached to the Trustee Declaration as **Exhibit “31”**.

10          40.     On March 20, 2015, Sno Drilling Tool, Inc. filed a claim for \$3,350.00, claiming  
11 priority under 11 U.S.C. § 507(a)(7) in the amount of \$2,775.00 based on a rental security  
12 deposit. A true and correct copy of Claim 102-1 is attached to the Trustee Declaration as **Exhibit**  
13 **“32”**.

14          41.     On March 23, 2015, Sun Palm, LLC filed a claim claiming priority under 11  
15 U.S.C. § 507(a)(7) in the amount of \$3,719.00 based on a rental security deposit. A true and  
16 correct copy of Claim 106-1 is attached to the Trustee Declaration as **Exhibit “33”**.

17          42.     On March 23, 2015, Ricky Kong filed a claim claiming priority under 11 U.S.C. §  
18 507(a)(7) in the amount of \$2,483.00 based on a rental security deposit. A true and correct copy  
19 of Claim 107-1 is attached to the Trustee Declaration as **Exhibit “34”**.

20          43.     On March 23, 2015, Sen Lang filed a claim claiming priority under 11 U.S.C. §  
21 507(a)(7) in the amount of \$2,775.00 based on a rental security deposit. A true and correct copy  
22 of Claim 110-1 is attached to the Trustee Declaration as **Exhibit “35”**.

23          44.     On March 26, 2015, James Chung filed a claim claiming priority under 11 U.S.C.  
24 § 507(a)(7) in the amount of \$1,850.00 based on a rental security deposit. A true and correct copy  
25 of Claim 112-1 is attached to the Trustee Declaration as **Exhibit “36”**.

26          45.     On March 27, 2015, Joe H. Zhoe and Dora D. Qui filed a claim claiming priority  
27 under 11 U.S.C. § 507(a)(7) in the amount of \$3,500.00 based on a rental security deposit. A true  
28 and correct copy of Claim 114-1 is attached to the Trustee Declaration as **Exhibit “37”**.

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- 1           46.     On March 27, 2015, Down With It Trust filed a claim claiming priority under 11  
2 U.S.C. § 507(a)(7) in the amount of \$1,599.00 based on a rental security deposit. A true and  
3 correct copy of Claim 116-1 is attached to the Trustee Declaration as **Exhibit “38”**.
- 4           47.     On March 30, 2015, Weijun Li and Yao Wang filed a claim claiming priority  
5 under 11 U.S.C. § 507(a)(7) in the amount of \$1,350.00 based on a rental security deposit. A true  
6 and correct copy of Claim 121-1 is attached to the Trustee Declaration as **Exhibit “39”**.
- 7           48.     On March 30, 2015, Wei Hsu and Jacquelyn Hsu filed a claim claiming priority  
8 under 11 U.S.C. § 507(a)(7) in the amount of \$3,285.00 based on a rental security deposit. A true  
9 and correct copy of Claim 122-1 is attached to the Trustee Declaration as **Exhibit “40”**.
- 10          49.     On April 3, 2015, Lai Ho Ng filed a claim claiming priority under 11 U.S.C. §  
11 507(a)(7) in the amount of \$2,800.00 based on a rental security deposit. A true and correct copy  
12 of Claim 124-1 is attached to the Trustee Declaration as **Exhibit “41”**.
- 13          50.     On April 3, 2015, Victor Dieu filed a claim claiming priority under 11 U.S.C. §  
14 507(a)(7) in the amount of \$2,100.00 based on a rental security deposit. A true and correct copy  
15 of Claim 125-1 is attached to the Trustee Declaration as **Exhibit “42”**.
- 16          51.     On April 4, 2015, Zhenghao Zhang filed a claim claiming priority under 11 U.S.C.  
17 § 507(a)(7) in the amount of \$2,100.00 based on a rental security deposit. A true and correct copy  
18 of Claim 126-1 is attached to the Trustee Declaration as **Exhibit “43”**.
- 19          52.     On April 4, 2015, Kuong Va Ho filed a claim claiming priority under 11 U.S.C. §  
20 507(a)(7) in the amount of \$8,880.00 based on a rental security deposit. A true and correct copy  
21 of Claim 127-1 is attached to the Trustee Declaration as **Exhibit “44”**.
- 22          53.     On April 6, 2015, Dongbin Zhang filed a proof of claim, and on April 13, 2015,  
23 filed an amended proof of claim claiming priority under 11 U.S.C. § 507(a)(7) in the amount of  
24 \$1,675.00 based on a rental security deposit. A true and correct copy of Claim 129-2 is attached  
25 to the Trustee Declaration as **Exhibit “45”**.
- 26          54.     On April 6, 2015, Robert and Pamela Lewis filed a claim claiming priority under  
27 11 U.S.C. § 507(a)(7) in the amount of \$375.00 based on a rental security deposit. A true and  
28 correct copy of Claim 130-1 is attached to the Trustee Declaration as **Exhibit “46”**.

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1           55.     On April 6, 2015, Robert and Pamela Lewis filed a claim claiming priority under  
2 11 U.S.C. § 507(a)(7) in the amount of \$680.00 based on a rental security deposit. A true and  
3 correct copy of Claim 131-1 is attached to the Trustee Declaration as **Exhibit “47”**.

4           56.     On April 6, 2015, Robert and Pamela Lewis filed a claim claiming priority under  
5 11 U.S.C. § 507(a)(7) in the amount of \$375.00 based on a rental security deposit. A true and  
6 correct copy of Claim 132-1 is attached to the Trustee Declaration as **Exhibit “48”**.

7           57.     On April 7, 2015, Huanhuan Jin filed a claim for \$14,220.81 and claiming priority  
8 under 11 U.S.C. § 507(a)(7) in the amount of \$2,379.06 based on deposit toward purchase, lease  
9 or rental of property. A true and correct copy of Claim 134-1 is attached to the Trustee  
10 Declaration as **Exhibit “49”**.

11           58.     On April 7, 2015, Xiaofan Yang filed a claim claiming priority under 11 U.S.C. §  
12 507(a)(7) in the amount of \$1,500.00 based on deposit toward purchase, lease or rental of  
13 property. A true and correct copy of Claim 138-1 is attached to the Trustee Declaration as **Exhibit**  
14 **“50”**.

15           59.     On April 7, 2015, Xiaofan Yang filed a claim claiming priority under 11 U.S.C. §  
16 507(a)(7) in the amount of \$1,000.00 based on deposit toward purchase, lease or rental of  
17 property. A true and correct copy of Claim 139-1 is attached to the Trustee Declaration as **Exhibit**  
18 **“51”**.

19           60.     On April 7, 2015, Xiaofan Yang filed a claim for \$3,540.00 and claiming priority  
20 under 11 U.S.C. § 507(a)(7) in the amount of \$2,775.00 based on deposit toward purchase, lease  
21 or rental of property. A true and correct copy of Claim 140-1 is attached to the Trustee  
22 Declaration as **Exhibit “52”**.

23           61.     On April 9, 2015, Ter-Hsien Lin and Bei Ying Lin filed a claim claiming priority  
24 under 11 U.S.C. § 507(a)(7) in the amount of \$2,750.00 based on deposit toward purchase, lease  
25 or rental of property. A true and correct copy of Claim 141-1 is attached to the Trustee  
26 Declaration as **Exhibit “53”**.

27           62.     On April 10, 2015, Eaten Huang filed a claim claiming priority under 11 U.S.C. §  
28 507(a)(7) in the amount of \$4,115.00 based on deposit toward purchase, lease or rental of

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1 property. A true and correct copy of Claim 146-1 is attached to the Trustee Declaration as **Exhibit**  
2 **“54”**.

3 63. On April 10, 2015, Mae Li Allison filed a claim claiming priority under 11 U.S.C.  
4 § 507(a)(7) in the amount of \$4,115.00 based on deposit toward purchase, lease or rental of  
5 property. A true and correct copy of Claim 147-1 is attached to the Trustee Declaration as **Exhibit**  
6 **“55”**.

7 64. On April 10, 2015, Michael W. and Annie N. Ma filed a claim, and on April 27,  
8 2015 filed an amended claim claiming priority under 11 U.S.C. § 507(a)(7) in the amount of  
9 \$5,370.00 based on deposit toward purchase, lease or rental of property. A true and correct copy  
10 of Claim 149-2 is attached to the Trustee Declaration as **Exhibit “56”**.

11 65. On April 11, 2015, Kamling Chan Leung filed a claim claiming priority under 11  
12 U.S.C. § 507(a)(7) in the amount of \$5,840.00 based on deposit toward purchase, lease or rental  
13 of property. A true and correct copy of Claim 152-1 is attached to the Trustee Declaration as  
14 **Exhibit “57”**.

15 66. On April 11, 2015, Ai Ying Luo filed a claim claiming priority under 11 U.S.C. §  
16 507(a)(7) in the amount of \$2,200.00 based on deposit toward purchase, lease or rental of  
17 property. A true and correct copy of Claim 153-1 is attached to the Trustee Declaration as **Exhibit**  
18 **“58”**.

19 67. On April 11, 2015, Hardev S. Grewal filed a claim claiming priority under 11  
20 U.S.C. § 507(a)(7) in the amount of \$2,900.00 based on deposit toward purchase, lease or rental  
21 of property. A true and correct copy of Claim 154-1 is attached to the Trustee Declaration as  
22 **Exhibit “59”**.

23 68. On April 11, 2015, Bo Gan filed a claim claiming priority under 11 U.S.C. §  
24 507(a)(7) in the amount of \$1,800.00 based on deposit toward purchase, lease or rental of  
25 property. A true and correct copy of Claim 155-1 is attached to the Trustee Declaration as **Exhibit**  
26 **“60”**.

27 69. On April 13, 2015, Joel Allen Borden, Jr., filed a claim claiming priority under 11  
28 U.S.C. § 507(a)(7) in the amount of \$1,235.00 based on deposit toward purchase, lease or rental

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1 of property. A true and correct copy of Claim 156-1 is attached to the Trustee Declaration as  
2 **Exhibit “61”**.

3 70. On April 13, 2015, Hanli Sun and Bai Yan Qian filed a claim for \$3447.00 and  
4 asserted a priority under 11 U.S.C. § 507(a)(7) in the amount of \$2,775.00 based on deposit  
5 toward purchase, lease or rental of property. A true and correct copy of Claim 157-1 is attached to  
6 the Trustee Declaration as **Exhibit “62”**.

7 71. On April 13, 2015, Gene Quinn filed a claim for \$2,992.00 and claiming priority  
8 under 11 U.S.C. § 507(a)(7) in the amount of \$2,775.00 based on deposit toward purchase, lease  
9 or rental of property. A true and correct copy of Claim 158-1 is attached to the Trustee  
10 Declaration as **Exhibit “63”**.

11 72. On April 13, 2015, Hanli Sun and Bai Yan Qian filed a claim for \$3013.00 and  
12 asserted a priority under 11 U.S.C. § 507(a)(7) in the amount of \$2,775.00 based on deposit  
13 toward purchase, lease or rental of property. A true and correct copy of Claim 159-1 is attached to  
14 the Trustee Declaration as **Exhibit “64”**.

15 73. On April 14, 2015, Augustus Chang filed a claim claiming priority under 11  
16 U.S.C. § 507(a)(7) in the amount of \$4,115.00 based on deposit toward purchase, lease or rental  
17 of property. A true and correct copy of Claim 161-1 is attached to the Trustee Declaration as  
18 **Exhibit “65”**.

19 74. On April 14, 2015, Michelle Chou filed a claim claiming priority under 11 U.S.C.  
20 § 507(a)(7) in the amount of \$1,625.00 based on deposit toward purchase, lease or rental of  
21 property. A true and correct copy of Claim 162-1 is attached to the Trustee Declaration as **Exhibit**  
22 **“66”**.

23 75. On April 14, 2015, Yu Ping Wang filed a claim claiming priority under 11 U.S.C.  
24 § 507(a)(7) in the amount of \$1,200.00 based on deposit toward purchase, lease or rental of  
25 property. A true and correct copy of Claim 164-1 is attached to the Trustee Declaration as **Exhibit**  
26 **“67”**.

27 76. On April 14, 2015, Liu Chiu Lan Living Trust filed a claim claiming priority under  
28 11 U.S.C. § 507(a)(7) in the amount of \$1,550.00 based on deposit toward purchase, lease or

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1 rental of property. A true and correct copy of Claim 165-1 is attached to the Trustee Declaration  
2 as **Exhibit “68”**.

3 77. On April 14, 2015, Liu Chiu Lan Living Trust filed a claim claiming priority under  
4 11 U.S.C. § 507(a)(7) in the amount of \$1,225.00 based on deposit toward purchase, lease or  
5 rental of property. A true and correct copy of Claim 166-1 is attached to the Trustee Declaration  
6 as **Exhibit “69”**.

7 78. On April 15, 2015, Changzhong Tong filed a claim claiming priority under 11  
8 U.S.C. § 507(a)(4) for wages, salaries, or commissions, and U.S.C. § 507(a)(7) in the amount of  
9 \$3,335.00 based on deposit toward purchase, lease or rental of property. The attached  
10 documentation shows that the claim is based on a rental security deposit. A true and correct copy  
11 of Claim 167-1 is attached to the Trustee Declaration as **Exhibit “70”**.

12 79. On April 16, 2015, Chenrong Shi filed a claim claiming priority under 11 U.S.C. §  
13 507(a)(7) in the amount of \$2,300.00 based on deposit toward purchase, lease or rental of  
14 property. A true and correct copy of Claim 170-1 is attached to the Trustee Declaration as **Exhibit**  
15 **“71”**.

16 80. On April 17, 2015, Chenrong Shi and Yongsheng Yang filed a claim claiming  
17 priority under 11 U.S.C. § 507(a)(7) in the amount of \$1,495.00 based on deposit toward  
18 purchase, lease or rental of property. A true and correct copy of Claim 192-1 is attached to the  
19 Trustee Declaration as **Exhibit “72”**.

20 81. On April 20, 2015, Xin Long Cheung filed a claim claiming priority under 11  
21 U.S.C. § 507(a)(7) in the amount of \$1,675.00 based on deposit toward purchase, lease or rental  
22 of property. A true and correct copy of Claim 193-1 is attached to the Trustee Declaration as  
23 **Exhibit “73”**.

24 82. On April 20, 2015, Bo Tang filed a claim claiming priority under 11 U.S.C. §  
25 507(a)(7) in the amount of \$1,575.00 based on deposit toward purchase, lease or rental of  
26 property. A true and correct copy of Claim 194-1 is attached to the Trustee Declaration as **Exhibit**  
27 **“74”**.

28 ...



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1           83.     On April 20, 2015, Walter Wong filed a claim claiming priority under 11 U.S.C. §  
2 507(a)(7) in the amount of \$1,830.00 based on deposit toward purchase, lease or rental of  
3 property. A true and correct copy of Claim 198-1 is attached to the Trustee Declaration as **Exhibit**  
4 **“75”**.

5           84.     On April 21, 2015, Zhouhang Wang filed a claim claiming priority under 11  
6 U.S.C. § 507(a)(7) in the amount of \$2,000.00 based on deposit toward purchase, lease or rental  
7 of property. A true and correct copy of Claim 199-1 is attached to the Trustee Declaration as  
8 **Exhibit “76”**.

9           85.     On April 21, 2015, Hong Yan and Michael Chuan Wu filed a claim claiming  
10 priority under 11 U.S.C. § 507(a)(7) in the amount of \$1,825.00 based on deposit toward  
11 purchase, lease or rental of property. A true and correct copy of Claim 200-1 is attached to the  
12 Trustee Declaration as **Exhibit “77”**.

13           86.     On April 22, 2015, Hao Wang filed a claim claiming priority under 11 U.S.C. §  
14 507(a)(7) in the amount of \$1,472.84 based on deposit toward purchase, lease or rental of  
15 property. A true and correct copy of Claim 202-1 is attached to the Trustee Declaration as **Exhibit**  
16 **“78”**.

17           87.     On April 22, 2015, Ke Xu filed a claim claiming priority under 11 U.S.C. §  
18 507(a)(7) in the amount of \$985.00 based on deposit toward purchase, lease or rental of property.  
19 A true and correct copy of Claim 203-1 is attached to the Trustee Declaration as **Exhibit “79”**.

20           88.     On April 22, 2015, A&W Investment, LLC filed a claim claiming priority under  
21 11 U.S.C. § 507(a)(7) in the amount of \$1,850.00 based on deposit toward purchase, lease or  
22 rental of property. A true and correct copy of Claim 204-1 is attached to the Trustee Declaration  
23 as **Exhibit “80”**.

24           89.     On April 22, 2015, CME Mercantile Group, LLC filed a claim claiming priority  
25 under 11 U.S.C. § 507(a)(7) in the amount of \$2,860.00 based on deposit toward purchase, lease  
26 or rental of property. A true and correct copy of Claim 205-1 is attached to the Trustee  
27 Declaration as **Exhibit “81”**.

28     ...

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- 1           90.     On April 22, 2015, Steven Ju filed a claim claiming priority under 11 U.S.C. §  
2 507(a)(7) in the amount of \$1,470.00 based on deposit toward purchase, lease or rental of  
3 property. A true and correct copy of Claim 207-1 is attached to the Trustee Declaration as **Exhibit**  
4 **“82”**.
- 5           91.     On April 22, 2015, JJ Investments, LLC filed a claim claiming priority under 11  
6 U.S.C. § 507(a)(7) in the amount of \$1,400.00 based on deposit toward purchase, lease or rental  
7 of property. A true and correct copy of Claim 208-1 is attached to the Trustee Declaration as  
8 **Exhibit “83”**.
- 9           92.     On April 22, 2015, Winsor Properties, LLC filed a claim claiming priority under  
10 11 U.S.C. § 507(a)(7) in the amount of \$1,550.00 based on deposit toward purchase, lease or  
11 rental of property. A true and correct copy of Claim 210-1 is attached to the Trustee Declaration  
12 as **Exhibit “84”**.
- 13           93.     On April 22, 2015, Winsor Properties, LLC filed a claim claiming priority under  
14 11 U.S.C. § 507(a)(7) in the amount of \$1,450.00 based on deposit toward purchase, lease or  
15 rental of property. A true and correct copy of Claim 211-1 is attached to the Trustee Declaration  
16 as **Exhibit “85”**.
- 17           94.     On April 22, 2015, Winsor Properties, LLC filed a claim claiming priority under  
18 11 U.S.C. § 507(a)(7) in the amount of \$2,150.00 based on deposit toward purchase, lease or  
19 rental of property. A true and correct copy of Claim 212-1 is attached to the Trustee Declaration  
20 as **Exhibit “86”**.
- 21           95.     On April 23, 2015, Melanie Provost filed a claim claiming priority under 11  
22 U.S.C. § 507(a)(7) in the amount of \$570.00 based on deposit toward purchase, lease or rental of  
23 property. A true and correct copy of Claim 213-1 is attached to the Trustee Declaration as **Exhibit**  
24 **“87”**.
- 25           96.     On April 23, 2015, Julia Louie filed a claim claiming priority under 11 U.S.C. §  
26 507(a)(7) in the amount of \$1,100.00 based on deposit toward purchase, lease or rental of  
27 property. A true and correct copy of Claim 215-1 is attached to the Trustee Declaration as **Exhibit**  
28 **“88”**.

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1           97.     On April 24, 2015, Jin Bin Li filed a claim claiming priority under 11 U.S.C. §  
2 507(a)(7) in the amount of \$1,248.00 based on deposit toward purchase, lease or rental of  
3 property. A true and correct copy of Claim 216-1 is attached to the Trustee Declaration as **Exhibit**  
4 **“89”**.

5           98.     On April 24, 2015, Shu Jen Chen filed a claim claiming priority under an  
6 unspecified provision of the bankruptcy code in the amount of \$3,700.00 based on security  
7 deposit for a residential lease. A true and correct copy of Claim 217-1 is attached to the Trustee  
8 Declaration as **Exhibit “90”**.

9           99.     On April 25, 2015, Ming-Hsi Tsai filed a claim claiming priority under 11 U.S.C.  
10 § 507(a)(7) in the amount of \$1,475.00 based on deposit toward purchase, lease or rental of  
11 property. A true and correct copy of Claim 220-1 is attached to the Trustee Declaration as **Exhibit**  
12 **“91”**.

13           100.    On April 27, 2015, Michael W. and Annie N Ma filed a claim claiming priority  
14 under 11 U.S.C. § 507(a)(7) in the amount of \$1,445.00 based on deposit toward purchase, lease  
15 or rental of property. A true and correct copy of Claim 222-1 is attached to the Trustee  
16 Declaration as **Exhibit “92”**.

17           101.    On April 27, 2015, Michael W. and Annie N Ma filed a claim claiming priority  
18 under 11 U.S.C. § 507(a)(7) in the amount of \$2,125.00 based on deposit toward purchase, lease  
19 or rental of property. A true and correct copy of Claim 223-1 is attached to the Trustee  
20 Declaration as **Exhibit “93”**.

21           102.    On April 27, 2015, Tami Chun filed a claim claiming priority under 11 U.S.C. §  
22 507(a)(7) in the amount of \$1,550.00 based on deposit toward purchase, lease or rental of  
23 property. A true and correct copy of Claim 225-1 is attached to the Trustee Declaration as **Exhibit**  
24 **“94”**.

25           103.    On April 27, 2015, Willy Chun and Tami Chun filed a claim claiming priority  
26 under 11 U.S.C. § 507(a)(7) in the amount of \$1,400.00 based on deposit toward purchase, lease  
27 or rental of property. A true and correct copy of Claim 226-1 is attached to the Trustee  
28 Declaration as **Exhibit “95”**.



1 the amount of the claim is that of the objector to that claim. In short,  
 2 the allegations of the proof of claim are taken as true. **If those**  
 3 **allegations set forth all the necessary facts to establish a claim**  
 4 **and are not self-contradictory, they prima facie establish the**  
 5 **claim.** Should objection be taken, the objector is then called upon to  
 6 produce evidence and show facts tending to defeat the claim by  
 probative force equal to that of the allegations of the proofs of claim  
 themselves. **But the ultimate burden of persuasion is always on**  
**the claimant.** Thus, it may be said that the proof of claim is some  
 evidence as to its validity and amount.

7 *Wright v. Holm (In re Holm)*, 931 F.2d 620, 623 (9th Cir. 1991) (quoting 3 L. King, COLLIER ON  
 8 BANKRUPTCY § 502.02, at 502-22 (15th ed. 1991)) (emphasis removed) (emphasis added); *see*  
 9 *also Lundell v. Anchor Constr. Specialists, Inc.*, 223 F.3d 1035, 1040 (9th Cir. 2000) (holding that  
 10 the bankruptcy court correctly understood that the ultimate burden of persuasion was on the  
 11 creditor); *Spencer v. Pugh (In re Pugh)*, 157 B.R. 898, 901 (B.A.P. 9th Cir. 1993) (holding  
 12 claimant bears ultimate burden of persuasion as to validity and amount of the claim by a  
 13 preponderance of the evidence). Accordingly, to be entitled to prima facie validity of a claim, a  
 14 proof of claim must set forth all necessary facts to establish the claim. *Wright*, 931 F.2d at 623.  
 15 Furthermore, the ultimate burden is always on the claimant, and a claim must be denied if the  
 16 claimant cannot carry this burden after an objection showing facts tending to defeat the claim. *Id.*  
 17 If the objector produces sufficient evidence to negate one or more of the sworn facts in the proof  
 18 of claim, the burden reverts to the claimant to prove the validity of the claim by a preponderance  
 19 of the evidence. *See Lundell*, 223 F.3d at 1039 (citations omitted).

20 In accordance with Section 502(b), the validity and amount of the claim shall be  
 21 determined as of the date of the filing of the bankruptcy petition. Section 502(b)(1) requires  
 22 disallowance of a claim if “such claim is unenforceable against the debtor and property of the  
 23 debtor, under any agreement or applicable law for a reason other than because such claim is  
 24 contingent or unmatured . . .” 11 U.S.C. § 502(b)(1). The “applicable law” referenced in Section  
 25 502(b)(1) includes bankruptcy law as well as other federal and state laws. A trustee is therefore  
 26 allowed to raise any federal or state law defenses to a claim. *See In re G.I. Indus., Inc.*, 204 F.3d  
 27 1276, 1281 (9th Cir. 2000) (stating that a claim cannot be allowed under Section 502(b)(1) if it is  
 28 unenforceable under nonbankruptcy law); *Johnson v. Righetti*, 756 F.2d 738, 741 (9th Cir. 1985)

1 (finding that the validity of the claim may be determined under state law); *In re Eastview Estates*  
2 *II*, 713 F.2d 443, 447 (9th Cir. 1983) (applying California law).

3 **B. The Claims in Question Are Not Entitled to Priority Under Section 507(a)(7)**

4 Section 507(a)(7) states:

5 (a) The following expenses and claims have priority in the following  
6 order:

7 \*\*\*\*\*

8 (7) Seventh, allowed unsecured claims of individuals, to  
9 the extent of \$2,850 for each such individual, arising  
10 from the deposit, before the commencement of the  
11 case, of money in connection with the purchase, lease,  
12 or rental of property, or the purchase of services, for the  
13 personal, family, or household use of such individuals,  
14 that were not delivered or provided.

13 Case law establishes that tenants are entitled to seventh level priority. The Code provides  
14 a seventh priority for allowed, unsecured claims of *individuals* who deposited money with  
15 the debtor prepetition and in connection with the purchase, lease, or rental of property, or the  
16 purchase of services, for the personal, family, or household use of such an individual where the  
17 debtor failed to deliver such property or services. This priority is limited to the extent of \$2,775  
18 for each such individual and has been referred to as the “consumer priority.”

19 Courts have interpreted “individual” in its ordinary sense: An individual means “one  
20 natural person” and does not include business entities such as corporations or partnerships. *See In*  
21 *re James R. Corbitt Co.*, 48 B.R. 937, 939 (Bankr. E.D. Va. 1985); *In re Carolina Sales Corp.*,  
22 43 B.R. 596, 597 (Bankr. E.D.N.C. 1984). A residential tenant who pays a security deposit is  
23 entitled to a §507(a)(7) priority claim in the landlord's bankruptcy case. *See Guarracino v.*  
24 *Hoffman*, 246 B.R. 130, 134 (D. Mass. 2000) (“Given that non-commercial tenant security  
25 deposits are within the scope of the statute and legislative history evidences Congress’intent to  
26 protect a consumer's money held in trust, it follows that the \$1300 security deposit should be  
27 given administrative priority.”); *In re River Vill. Assocs.*, 161 B.R. 127, 133-34 (Bankr. E.D. Pa.  
28 1993) aff'd, 181 B.R. 795 (E.D. Pa. 1995) (holding that each tenant’s claim for security deposits

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1 is entitled to priority in landlord’s Chapter 11 case); *In re Wise*, 120 B.R. 537, 545-47(Bankr. D.  
2 Alaska 1990) (contractual assignee of tenant security deposits was entitled to assert consumer  
3 deposit priority).

4 *Guarracino* found that §507(6)allowing sixth-level [now507(a)(7) allowing seventh-  
5 level] priority to unsecured claims for the recovery of sums deposited with debtor in  
6 connection with the purchase, lease or rental of property was enacted to protect  
7 unsuspecting individuals who deposit money into what is tantamount to a trust fund.

8 Here, each of the claims objected to were filed by a landlord, asserting a priority claim  
9 under 11 U.S.C. § 507(a)(7). These claims are not entitled to priority under the code. It is the  
10 individual tenants who deposited the money, not the landlords. Therefore, the tenants, and only  
11 the tenants, are entitled to a priority claim. The deposits in question were not for the purchase,  
12 lease, or rental of property for the personal, family, or household of those asserting the claim.  
13 Accordingly, these claims should be reclassified as general unsecured claims.

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**VI. CONCLUSION**

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For the foregoing reasons, the Trustee respectfully requests that the Court enter an order:  
(i) sustaining the Objection set forth herein concerning claim numbers 3-1, 9-1, 10-1, 11-1, 12-1, 14-1, 17-2, 21-2, 22-1, 27-1, 30-1, 35-1, 37-1, 39-1, 43-1, 51-1, 66-1, 67-1, 68-1, 70-1, 75-2, 77-1, 78-1, 80-1, 81-1, 89-1, 90-1, 91-1, 92-1, 94-1, 99-1, 101-1, 102-1, 106-1, 107-1, 110-1, 112-1, 114-1, 116-1, 121-1, 122-1, 124-1, 125-1, 126-1, 127-1, 129-1, 130-1, 131-1, 132-1, 134-1, 138-1, 139-1, 140-1, 141-1, 146-1, 147-1, 149-2, 152-1, 153-1, 154-1, 155-1, 156-1, 157-1, 158-1, 159-1, 161-1, 162-1, 164-1, 165-1, 166-1, 167-1, 170-1, 192-1, 193-1, 194-1, 198-1, 199-1, 200-1, 202-1, 203-1, 204-1, 205-1, 207-1, 208-1, 210-1, 211-1, 212-1, 213-1, 215-1 216-1, 217-1, 220-1, 222-1, 223-1, 225-1, 226-1, and 227-1, and reclassify these claims as general unsecured claims; and (ii) for such other and further relief as is just and proper.

Dated this 7<sup>th</sup> day of July, 2020.

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