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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 THIRD OMNIBUS
OBJECTION TO PROOFS OF CLAIM
PURSUANT TO 11 U.S.C. § 502(b)(1) AND
FEDERAL RULE OF BANKRUPTCY
PROCEDURE 3007—CLAIM NUMBERS
233-1, 234-1, 239-1, 241-1, 242-1, 243-1, 244-
1, 245-1, 246-1, 247-1, 248-1, 249-1, 250-1,
251-1, 252-1, 253-1, 254-1, 255-1, 256-1, 257-
1, 258-1, 259-1, 260-1, 261-1, 262-1, 263-1,
264-1, 265-1, 266-1, 267-1, 268-1, 269-1, 270-
1, 271-1, 272-1, 273-1, 274-1, 275-1, 276-1,
277-1, 278-1, 279-1, 280-1, 281-1, 282-1, 284-
1, 285-1, 286-1, 287-1, 288-1, 289-1, 294-1,
295-1, 298-1, 300-1, 301-1, 302-1, 306-1, 308-
1, 309-1, 310-1, 311-1, 312-1, 313-1, 314-1,
315-1, 316-1, 317-1, 318-1, 319-1, 320-1, 321-
1, 322-1, 323-1, 324-1, 325-1, 326-1, 327-1,
328-1, 329-1, 330-1, 331-1, 332-1, 333-1, 332-
1, 334-1, 336-1, 337-1, 343-1, 347-1, 421-1,
424-1, 468-1, 469-1, 470-1, 471-1, 472-1, 473-
1, AND 474-1, 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.

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Las Vegas, NV 89101

Judge: Honorable Gary Spraker¹

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 Third Omnibus Objection To Proofs Of Claim Pursuant To 11 U.S.C. § 502(B)(1) And Federal Rule Of Bankruptcy Procedure 3007—Claim Numbers 233-1, 234-1, 239-1, 241-1, 242-1, 243-1, 244-1, 245-1, 246-1, 247-1, 248-1, 249-1, 250-1, 251-1, 252-1, 253-1, 254-1, 255-1,256-1, 257-1, 258-1, 259-1, 260-1, 261-1, 262-1, 263-1, 264-1, 265-1, 266-1, 267-1, 268-1, 269-1, 270-1, 271-1, 272-1, 273-1, 274-1, 275-1, 276-1, 277-1, 278-1, 279-1, 280-1, 281-1, 282-1, 284-1, 285-1, 286-1, 287-1, 288-1, 289-1, 294-1, 295-1, 298-1, 300-1, 301-1, 302-1, 306-1, 308-1, 309-1, 310-1, 311-1, 312-1, 313-1, 314-1, 315-1, 316-1, 317-1, 318-1, 319-1, 320-1, 321-1, 322-1, 323-1, 324-1, 325-1, 326-1, 327-1, 328-1, 329-1, 330-1, 331-1, 332-1, 333-1, 332-1, 334-1, 336-1, 337-1, 343-1, 347-1, 421-1, 424-1, 468-1, 469-1, 470-1, 471-1, 472-1, 473-1, and 474-1, 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 Third Omnibus Objection To Proofs Of Claim Pursuant To 11 U.S.C. § 502(B)(1) And Federal Rule Of Bankruptcy Procedure 3007—Claim Numbers 233-1, 234-1, 239-1, 241-1, 242-1, 243-1, 244-1, 245-1, 246-1, 247-1, 248-1, 249-1, 250-1, 251-1, 252-1, 253-1, 254-1, 255-1,256-1, 257-1, 258-1, 259-1, 260-1, 261-1, 262-1, 263-1, 264-1, 265-1, 266-1, 267-1, 268-1, 269-1, 270-1, 271-1, 272-1, 273-1, 274-1, 275-1, 276-1, 277-1, 278-1, 279-1, 280-1, 281-1, 282-1, 284-1, 285-1, 286-1, 287-1, 288-1, 289-1, 294-1, 295-1, 298-1, 300-1, 301-1, 302-1, 306-1, 308-1, 309-1, 310-1, 311-1, 312-1, 313-1, 314-1, 315-1, 316-1, 317-1, 318-1, 319-1, 320-1, 321-1, 322-1, 323-1, 324-1, 325-1, 326-1, 327-1, 328-1, 329-1,*

¹ Unless otherwise indicated, all chapter and section references are to the Bankruptcy Code, 11 U.S.C. §§ 101-1532, and to the Federal Rules of Bankruptcy Procedure, Rules 1001-9037. The Federal Rules of Civil Procedure will be referred to as “FRCP” and the Federal Rules of Bankruptcy Procedure will be referred to as “FRBP.” The Local Rules of Practice for the United States Bankruptcy Court for the District of Nevada shall be referred to as the “Local Rules”.

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1 330-1, 331-1, 332-1, 333-1, 332-1, 334-1, 336-1, 337-1, 343-1, 347-1, 421-1, 424-1, 468-1, 469-
2 1, 470-1, 471-1, 472-1, 473-1, and 474-1, Based On Improper Assertion Of A Priority Claim by a
3 Landlord For a Security Deposit (the “Trustee Declaration”), which is filed separately and
4 concurrently with this Court pursuant to Local Rule 9014(c)(2). The Objection is also based on
5 the pleadings and papers on file herein, and any argument that may be entertained at the hearing
6 on the Objection.²

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

9 **MEMORANDUM OF POINTS AND AUTHORITIES**

10 **I. INTRODUCTION**

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

16 **II. JURISDICTION AND VENUE**

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

25 ...

26 _____
27 ² 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 ³
3 M Brothers, LLC	474-1	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. 32-33.
Alexandra Assets, LLC	306-1	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. 32-33.
Alexandra Assets, LLC	308-1	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. 32-33.
Alexandra Assets, LLC	309-1	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. 32-33.
Ang, Ping Ping	289-1	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. 32-33.
Bi, Jianxin	275-1	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. 32-33.
Bi, Jianxin	276-1	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. 32-33.

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

1	Bi, Jianxin	277-1	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. 32-33.
4	Cao, Dennis Fen S.	273-1	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. 32-33.
7	Cao, Wei	294-1	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. 32-33.
10	Chan, Luen K.	326-1	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. 32-33.
13	Chan, Yuk Wing and	288-1	Claim improperly asserts priority under 11
14	Ken Kin Cho Wong		U.S.C. § 507(a)(7). This type of priority claim
15			may not be asserted by a landlord. <i>See</i> p. 32-33.
16	Chen, Gary	281-1	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. 32-33.
19	Chen, Richard and	327-1	Claim improperly asserts priority under 11
20	Irene Tam		U.S.C. § 507(a)(7). This type of priority claim
21			may not be asserted by a landlord. <i>See</i> p. 32-33.
22	Chen, Richard and	328-1	Claim improperly asserts priority under 11
23	Irene Tam		U.S.C. § 507(a)(7). This type of priority claim
24			may not be asserted by a landlord. <i>See</i> p. 32-33.
25	Chen, Richard and	329-1	Claim improperly asserts priority under 11
26	Irene Tam		U.S.C. § 507(a)(7). This type of priority claim
27			may not be asserted by a landlord. <i>See</i> p. 32-33.
28			

1	Cheung, Hoi Sheun	272-1	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. 32-33.
4	Chong, Yui Tong and	278-1	Claim improperly asserts priority under 11
5	Lai Fong		U.S.C. § 507(a)(7). This type of priority claim
6			may not be asserted by a landlord. <i>See</i> p. 32-33.
7	Chong, Yui Tong and	279-1	Claim improperly asserts priority under 11
8	Lai Fong		U.S.C. § 507(a)(7). This type of priority claim
9			may not be asserted by a landlord. <i>See</i> p. 32-33.
10	Chong, Yui Tong and	280-1	Claim improperly asserts priority under 11
11	Lai Fong		U.S.C. § 507(a)(7). This type of priority claim
12			may not be asserted by a landlord. <i>See</i> p. 32-33.
13	Chu, Johnny Yeh-Chao	472-1	Claim improperly asserts priority under 11
14	and Theresa Chu		U.S.C. § 507(a)(7). This type of priority claim
15			may not be asserted by a landlord. <i>See</i> p. 32-33.
16	Deng, Christina Ying &	259-1	Claim improperly asserts priority under 11
17	Chen Zhao		U.S.C. § 507(a)(7). This type of priority claim
18			may not be asserted by a landlord. <i>See</i> p. 32-33.
19	Deng, Christina Ying &	260-1	Claim improperly asserts priority under 11
20	Chen Zhao		U.S.C. § 507(a)(7). This type of priority claim
21			may not be asserted by a landlord. <i>See</i> p. 32-33.
22	Deng, Christina Ying &	261-1	Claim improperly asserts priority under 11
23	Chen Zhao		U.S.C. § 507(a)(7). This type of priority claim
24			may not be asserted by a landlord. <i>See</i> p. 32-33.
25	Deng, Christina Ying &	262-1	Claim improperly asserts priority under 11
26	Chen Zhao		U.S.C. § 507(a)(7). This type of priority claim
27			may not be asserted by a landlord. <i>See</i> p. 32-33.
28			

1	Deng, Christina Ying &	266-1	Claim improperly asserts priority under 11
2	Chen Zhao		U.S.C. § 507(a)(7). This type of priority claim
3			may not be asserted by a landlord. <i>See</i> p. 32-33.
4	Deng, Christina Ying &	267-1	Claim improperly asserts priority under 11
5	Chen Zhao		U.S.C. § 507(a)(7). This type of priority claim
6			may not be asserted by a landlord. <i>See</i> p. 32-33.
7	Feng, Karen	248-1	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. 32-33.
10	Feng, Karen	249-1	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. 32-33.
13	Feng, Paul Jianbo	242-1	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. 32-33.
16	Feng, Shan Shan	243-1	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. 32-33.
19	Grace Feng Revocable	239-1	Claim improperly asserts priority under 11
20	Trust		U.S.C. § 507(a)(7). This type of priority claim
21			may not be asserted by a landlord. <i>See</i> p. 32-33.
22	Grace Feng Revocable	241-1	Claim improperly asserts priority under 11
23	Trust		U.S.C. § 507(a)(7). This type of priority claim
24			may not be asserted by a landlord. <i>See</i> p. 32-33.
25	He, Danna	264-1	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. 32-33.
28			

1	He, Danna	265-1	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. 32-33.
4	Hsu, Wei Chen	320-1	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. 32-33.
7	Hu, Hong Feng	295-1	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. 32-33.
10	Hu, Zhaoming	321-1	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. 32-33.
13	Hu, Zhaoming	322-1	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. 32-33.
16	Hu, Zhaoming	323-1	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. 32-33.
19	Hu, Zhaoming	324-1	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. 32-33.
22	Hu, Zhaoming	325-1	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. 32-33.
25	Huang, Shao Fen	257-1	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. 32-33.
28			

1	Huang, Yaqin	471-1	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. 32-33.
4	Jusuf Sri M Revocable	250-1	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. 32-33.
7	Kang, Chang Hsiumei	268-1	Claim improperly asserts priority under 11
8	and Wai Huei Kang		U.S.C. § 507(a)(7). This type of priority claim
9			may not be asserted by a landlord. <i>See</i> p. 32-33.
10	Kun, Jiang Xue	234-1	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. 32-33.
13	Lai, Stella	313-1	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. 32-33.
16	Lai, Stella	314-1	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. 32-33.
19	Lai, Stella	315-1	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. 32-33.
22	Lai, Stella	316-1	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. 32-33.
25	Lai, Stella	317-1	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. 32-33.
28			

1	Lai, Stella	318-1	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. 32-33.
4	Lai, Stella	319-1	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. 32-33.
7	Lam, Doan Huu	468-1	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. 32-33.
10	Lau, Roland and Joan	298-1	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. 32-33.
13	Lee, Ming K. and Wing	301-1	Claim improperly asserts priority under 11
14	C. Lee		U.S.C. § 507(a)(7). This type of priority claim
15			may not be asserted by a landlord. <i>See</i> p. 32-33.
16	Lee, Wang Pang	251-1	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. 32-33.
19	Lee, Warren	302-1	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. 32-33.
22	Li, Wai Chuen and Yi	244-1	Claim improperly asserts priority under 11
23	Feng Yu		U.S.C. § 507(a)(7). This type of priority claim
24			may not be asserted by a landlord. <i>See</i> p. 32-33.
25	Li, Wai Chuen and Yi	246-1	Claim improperly asserts priority under 11
26	Feng Yu		U.S.C. § 507(a)(7). This type of priority claim
27			may not be asserted by a landlord. <i>See</i> p. 32-33.
28			

1	Li, Wai Chuen and Yi	247-1	Claim improperly asserts priority under 11
2	Feng Yu		U.S.C. § 507(a)(7). This type of priority claim
3			may not be asserted by a landlord. <i>See</i> p. 32-33.
4	Li, Wenfeng and	343-1	Claim improperly asserts priority under 11
5	Xiaoyan Zhu		U.S.C. § 507(a)(7). This type of priority claim
6			may not be asserted by a landlord. <i>See</i> p. 32-33.
7	Li, Xiaoli	470-1	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. 32-33.
10	Lin, Guangqing	258-1	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. 32-33.
13	Liu, Bofang and	269-1	Claim improperly asserts priority under 11
14	Xinrong Qin		U.S.C. § 507(a)(7). This type of priority claim
15			may not be asserted by a landlord. <i>See</i> p. 32-33.
16	Liu, Huan-Chwang	333-1	Claim improperly asserts priority under 11
17	Wayne and Linda Liu		U.S.C. § 507(a)(7). This type of priority claim
18			may not be asserted by a landlord. <i>See</i> p. 32-33.
19	Liu, Huan-Chwang	334-1	Claim improperly asserts priority under 11
20	Wayne and Linda Liu		U.S.C. § 507(a)(7). This type of priority claim
21			may not be asserted by a landlord. <i>See</i> p. 32-33.
22	LKE Wong, LLC	337-1	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. 32-33.
25	Luo, Jing Cheng	424-1	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. 32-33.
28			

1	Luong, Hung	473-1	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. 32-33.
4	Meyer Family Trust	270-1	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. 32-33.
7	Meyer Family Trust	271-1	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. 32-33.
10	Ming, Chang Hua and	421-1	Claim improperly asserts priority under 11
11	Yu Zhuang		U.S.C. § 507(a)(7). This type of priority claim
12			may not be asserted by a landlord. <i>See</i> p. 32-33.
13	Mok, Stephen	253-1	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. 32-33.
16	Mok, Stephen and	256-1	Claim improperly asserts priority under 11
17	Donglei S Hu		U.S.C. § 507(a)(7). This type of priority claim
18			may not be asserted by a landlord. <i>See</i> p. 32-33.
19	Pan, Chester Chih	263-1	Claim improperly asserts priority under 11
20	Chieh		U.S.C. § 507(a)(7). This type of priority claim
21			may not be asserted by a landlord. <i>See</i> p. 32-33.
22	Religioso, Erson	287-1	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. 32-33.
25	Starlight Investments,	254-1	Claim improperly asserts priority under 11
26	LLC		U.S.C. § 507(a)(7). This type of priority claim
27			may not be asserted by a landlord. <i>See</i> p. 32-33.
28			

1	Starlight Investments,	255-1	Claim improperly asserts priority under 11
2	LLC		U.S.C. § 507(a)(7). This type of priority claim
3			may not be asserted by a landlord. <i>See</i> p. 32-33.
4	Summerstone	284-1	Claim improperly asserts priority under 11
5	Investments, LLC		U.S.C. § 507(a)(7). This type of priority claim
6			may not be asserted by a landlord. <i>See</i> p. 32-33.
7	Summerstone Property,	285-1	Claim improperly asserts priority under 11
8	LLC		U.S.C. § 507(a)(7). This type of priority claim
9			may not be asserted by a landlord. <i>See</i> p. 32-33.
10	Summerstone Holdings,	286-1	Claim improperly asserts priority under 11
11	LLC		U.S.C. § 507(a)(7). This type of priority claim
12			may not be asserted by a landlord. <i>See</i> p. 32-33.
13	Tang, Hao and Chieu	311-1	Claim improperly asserts priority under 11
14	Bui		U.S.C. § 507(a)(7). This type of priority claim
15			may not be asserted by a landlord. <i>See</i> p. 32-33.
16	Tang, Hao and Chieu	312-1	Claim improperly asserts priority under 11
17	Bui		U.S.C. § 507(a)(7). This type of priority claim
18			may not be asserted by a landlord. <i>See</i> p. 32-33.
19	Wang, Wu	233-1	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. 32-33.
22	Wang, Zhouhang	336-1	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. 32-33.
25	Wong, Wai Kit and	274-1	Claim improperly asserts priority under 11
26	Yan Yan Liu		U.S.C. § 507(a)(7). This type of priority claim
27			may not be asserted by a landlord. <i>See</i> p. 32-33.
28			

1	Wu, Jin Ding	245-1	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. 32-33.
4	Wu, Jun Liang and Su	469-1	Claim improperly asserts priority under 11
5	Ying Cen		U.S.C. § 507(a)(7). This type of priority claim
6			may not be asserted by a landlord. <i>See</i> p. 32-33.
7	Xiangyu, LLC	252-1	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. 32-33.
10	Xiao, Yunfeng	310-1	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. 32-33.
13	Xu, Michael and Leah	330-1	Claim improperly asserts priority under 11
14	Xu		U.S.C. § 507(a)(7). This type of priority claim
15			may not be asserted by a landlord. <i>See</i> p. 32-33.
16	Xu, Michael and Leah	331-1	Claim improperly asserts priority under 11
17	Xu		U.S.C. § 507(a)(7). This type of priority claim
18			may not be asserted by a landlord. <i>See</i> p. 32-33.
19	Xu, Michael and Leah	332-1	Claim improperly asserts priority under 11
20	Xu		U.S.C. § 507(a)(7). This type of priority claim
21			may not be asserted by a landlord. <i>See</i> p. 32-33.
22	Yim, Charles and	300-1	Claim improperly asserts priority under 11
23	Valerie Chen Yim		U.S.C. § 507(a)(7). This type of priority claim
24			may not be asserted by a landlord. <i>See</i> p. 32-33.
25	Yu, Chun and Jessica Y	282-1	Claim improperly asserts priority under 11
26	Q Chung		U.S.C. § 507(a)(7). This type of priority claim
27			may not be asserted by a landlord. <i>See</i> p. 32-33.
28			

1	Yuan, Daniel Jie Qing	347-1	Claim improperly asserts priority under 11
2	and Mei Ling Yu		U.S.C. § 507(a)(7). This type of priority claim
3			may not be asserted by a landlord. <i>See</i> p. 32-33.
4	Zhuo, Wei and	332-1	Claim improperly asserts priority under 11
5	Xiaohong Quan		U.S.C. § 507(a)(7). This type of priority claim
6			may not be asserted by a landlord. <i>See</i> p. 32-33.

7

8 **IV. STATEMENT OF FACTS**

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

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

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

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

20 5. 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.
22 128]. *See* Trustee Declaration.

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

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

26 ...

27 _____

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

3 9. On April 29, 2015, Wu Wang filed a claim claiming priority under 11 U.S.C. §
4 507(a)(7) in the amount of \$16,989.50 based on deposit toward purchase, lease or rental of
5 property. A true and correct copy of Claim 233-1 is attached to the Trustee Declaration as **Exhibit**
6 **"1"**.

7 10. On April 29, 2015, Jiang Xue Kun filed a claim claiming priority under 11 U.S.C.
8 § 507(a)(7) in the amount of \$1,600.00 based on deposit toward purchase, lease or rental of
9 property. A true and correct copy of Claim 234-1 is attached to the Trustee Declaration as **Exhibit**
10 **"2"**.

11 11. On April 29, 2015, Grace Feng Revocable Trust filed a claim claiming priority
12 under 11 U.S.C. § 507(a)(7) in the amount of \$1,550.00 based on deposit toward purchase, lease
13 or rental of property. A true and correct copy of Claim 239-1 is attached to the Trustee
14 Declaration as **Exhibit "3"**.

15 12. On April 29, 2015, Feng Grace Revocable Trust filed a claim claiming priority
16 under 11 U.S.C. § 507(a)(7) in the amount of \$1,750.00 based on deposit toward purchase, lease
17 or rental of property. A true and correct copy of Claim 241-1 is attached to the Trustee
18 Declaration as **Exhibit "4"**.

19 13. On April 29, 2015, Paul Jianbo Feng filed a claim claiming priority under 11
20 U.S.C. § 507(a)(7) in the amount of \$1,650.00 based on deposit toward purchase, lease or rental
21 of property. A true and correct copy of Claim 242-1 is attached to the Trustee Declaration as
22 **Exhibit "5"**.

23 14. On April 29, 2015, Shan Shan Feng filed a claim claiming priority under 11 U.S.C.
24 § 507(a)(7) in the amount of \$1,450.00 based on deposit toward purchase, lease or rental of
25 property. A true and correct copy of Claim 243-1 is attached to the Trustee Declaration as **Exhibit**
26 **"6"**.

27 15. On April 30, 2015, Wai Chuen Li and Yi Feng Yu filed a claim claiming priority
28 under 11 U.S.C. § 507(a)(7) in the amount of \$2,250.00 based on deposit toward purchase, lease

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1 or rental of property. A true and correct copy of Claim 244-1 is attached to the Trustee
2 Declaration as **Exhibit “7”**.

3 16. On April 30, 2015, Jin Ding Wu filed a claim claiming priority under 11 U.S.C. §
4 507(a)(7) in the amount of \$1,500.00 based on deposit toward purchase, lease or rental of
5 property. A true and correct copy of Claim 245-1 is attached to the Trustee Declaration as **Exhibit**
6 **“8”**.

7 17. On April 30, 2015, Wai Chuen Li and Yi Feng Yu filed a claim claiming priority
8 under 11 U.S.C. § 507(a)(7) in the amount of \$1,425.00 based on deposit toward purchase, lease
9 or rental of property. A true and correct copy of Claim 246-1 is attached to the Trustee
10 Declaration as **Exhibit “9”**.

11 18. On April 30, 2015, Wai Chuen Li and Yi Feng Yu filed a claim claiming priority
12 under 11 U.S.C. § 507(a)(7) in the amount of \$1,600.00 based on deposit toward purchase, lease
13 or rental of property. A true and correct copy of Claim 247-1 is attached to the Trustee
14 Declaration as **Exhibit “10”**.

15 19. On May 1, 2015, Karen Feng filed a claim claiming priority under 11 U.S.C. §
16 507(a)(7) in the amount of \$3,000.00 based on deposit toward purchase, lease or rental of
17 property. A true and correct copy of Claim 248-1 is attached to the Trustee Declaration as **Exhibit**
18 **“11”**.

19 20. On May 1, 2015, Karen Feng filed a claim claiming priority under 11 U.S.C. §
20 507(a)(7) in the amount of \$1,980.00 based on deposit toward purchase, lease or rental of
21 property. A true and correct copy of Claim 249-1 is attached to the Trustee Declaration as **Exhibit**
22 **“12”**.

23 21. On May 1, 2015, Jusuf Sri M Revocable Trust filed a claim claiming priority under
24 11 U.S.C. § 507(a)(7) in the amount of \$2,959.00 based on deposit toward purchase, lease or
25 rental of property. A true and correct copy of Claim 250-1 is attached to the Trustee Declaration
26 as **Exhibit “13”**.

27 22. On May 1, 2015, Wang Pang Lee filed a claim claiming priority under an
28 unspecified section of the bankruptcy code in the amount of \$3,225.00 based on a security deposit

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1 for a rental property. A true and correct copy of Claim 251-1 is attached to the Trustee
2 Declaration as **Exhibit “14”**.

3 23. On May 1, 2015, Xiangyu, LLC filed a claim in the amount of \$2,417.00 claiming
4 priority under 11 U.S.C. § 507(a)(7) in the amount of \$1,745.00 based on deposit toward
5 purchase, lease or rental of property. A true and correct copy of Claim 252-1 is attached to the
6 Trustee Declaration as **Exhibit “15”**.

7 24. On May 1, 2015, Stephen Mok filed a claim claiming priority under 11 U.S.C. §
8 507(a)(7) in the amount of \$1,500.00 based on deposit toward purchase, lease or rental of
9 property. A true and correct copy of Claim 253-1 is attached to the Trustee Declaration as **Exhibit**
10 **“16”**.

11 25. On May 1, 2015, Starlight Investments, LLC filed a claim claiming priority under
12 11 U.S.C. § 507(a)(7) in the amount of \$1,350.00 based on deposit toward purchase, lease or
13 rental of property. A true and correct copy of Claim 254-1 is attached to the Trustee Declaration
14 as **Exhibit “17”**.

15 26. On May 1, 2015, Starlight Investments, LLC filed a claim claiming priority under
16 11 U.S.C. § 507(a)(7) in the amount of \$1,600.00 based on deposit toward purchase, lease or
17 rental of property. A true and correct copy of Claim 255-1 is attached to the Trustee Declaration
18 as **Exhibit “18”**.

19 27. On May 1, 2015, Stephen Mok and Donglei S Hu filed a claim claiming priority
20 under 11 U.S.C. § 507(a)(7) in the amount of \$1,500.00 based on deposit toward purchase, lease
21 or rental of property. A true and correct copy of Claim 256-1 is attached to the Trustee
22 Declaration as **Exhibit “19”**.

23 28. On May 1, 2015, Shao Fen Huang filed a claim claiming priority under 11 U.S.C.
24 § 507(a)(7) in the amount of \$1,700.00 based on deposit toward purchase, lease or rental of
25 property. A true and correct copy of Claim 257-1 is attached to the Trustee Declaration as **Exhibit**
26 **“20”**.

27 29. On May 1, 2015, Guangqing Lin filed a claim claiming priority under 11 U.S.C. §
28 507(a)(7) in the amount of \$2,225.00 based on deposit toward purchase, lease or rental of

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1 property. A true and correct copy of Claim 258-1 is attached to the Trustee Declaration as **Exhibit**
2 **“21”**.

3 30. On May 1, 2015, Christina Ying Deng & Chen Zhao filed a claim claiming priority
4 under 11 U.S.C. § 507(a)(7) in the amount of \$1,050.00 based on deposit toward purchase, lease
5 or rental of property. A true and correct copy of Claim 259-1 is attached to the Trustee
6 Declaration as **Exhibit “22”**.

7 31. On May 1, 2015, Christina Ying Deng & Chen Zhao filed a claim claiming priority
8 under 11 U.S.C. § 507(a)(7) in the amount of \$1,950.00 based on deposit toward purchase, lease
9 or rental of property. A true and correct copy of Claim 260-1 is attached to the Trustee
10 Declaration as **Exhibit “23”**.

11 32. On May 1, 2015, Christina Ying Deng & Chen Zhao filed a claim claiming priority
12 under 11 U.S.C. § 507(a)(7) in the amount of \$1,685.00 based on deposit toward purchase, lease
13 or rental of property. A true and correct copy of Claim 261-1 is attached to the Trustee
14 Declaration as **Exhibit “24”**.

15 33. On May 1, 2015, Christina Ying Deng and Chen Zhao filed a claim claiming
16 priority under 11 U.S.C. § 507(a)(7) in the amount of \$1,645.00 based on deposit toward
17 purchase, lease or rental of property. A true and correct copy of Claim 262-1 is attached to the
18 Trustee Declaration as **Exhibit “25”**.

19 34. On May 1, 2015, Chester Chih Chieh Pan filed a claim claiming priority under 11
20 U.S.C. § 507(a)(7) in the amount of \$1,900.00 based on deposit toward purchase, lease or rental
21 of property. A true and correct copy of Claim 263-1 is attached to the Trustee Declaration as
22 **Exhibit “26”**.

23 35. On May 1, 2015, Danna He filed a claim claiming priority under 11 U.S.C. §
24 507(a)(7) in the amount of \$1,650.00 based on deposit toward purchase, lease or rental of
25 property. A true and correct copy of Claim 264-1 is attached to the Trustee Declaration as **Exhibit**
26 **“27”**.

27 36. On May 1, 2015, Danna He filed a claim claiming priority under 11 U.S.C. §
28 507(a)(7) in the amount of \$3,875.00 based on deposit toward purchase, lease or rental of

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1 property. A true and correct copy of Claim 265-1 is attached to the Trustee Declaration as **Exhibit**
2 **“28”**.

3 37. On May 1, 2015, Christina Ying Deng and Chen Zhao filed a claim claiming
4 priority under 11 U.S.C. § 507(a)(7) in the amount of \$1,350.00 based on deposit toward
5 purchase, lease or rental of property. A true and correct copy of Claim 266-1 is attached to the
6 Trustee Declaration as **Exhibit “29”**.

7 38. On May 1, 2015, Christina Ying Deng and Chen Zhao filed a claim claiming
8 priority under 11 U.S.C. § 507(a)(7) in the amount of \$1,550.00 based on deposit toward
9 purchase, lease or rental of property. A true and correct copy of Claim 267-1 is attached to the
10 Trustee Declaration as **Exhibit “30”**.

11 39. On May 1, 2015, Chang Hsiumei Kang and Wai Huei Kang filed a claim claiming
12 priority under 11 U.S.C. § 507(a)(7) in the amount of \$2,200.00 based on deposit toward
13 purchase, lease or rental of property. A true and correct copy of Claim 268-1 is attached to the
14 Trustee Declaration as **Exhibit “31”**.

15 40. On May 1, 2015, Bofang Liu and Xinrong Qin filed a claim claiming priority
16 under 11 U.S.C. § 507(a)(7) in the amount of \$1,100.00 based on deposit toward purchase, lease
17 or rental of property. A true and correct copy of Claim 269-1 is attached to the Trustee
18 Declaration as **Exhibit “32”**.

19 41. On May 1, 2015, Meyer Family Trust filed a claim claiming priority under 11
20 U.S.C. § 507(a)(7) in the amount of \$1,400.00 based on deposit toward purchase, lease or rental
21 of property. A true and correct copy of Claim 270-1 is attached to the Trustee Declaration as
22 **Exhibit “33”**.

23 42. On May 1, 2015, Meyer Family Trust filed a claim claiming priority under 11
24 U.S.C. § 507(a)(7) in the amount of \$2,435.00 based on deposit toward purchase, lease or rental
25 of property. A true and correct copy of Claim 271-1 is attached to the Trustee Declaration as
26 **Exhibit “34”**.

27 43. On May 1, 2015, Hoi Sheun Cheung filed a claim claiming priority under 11
28 U.S.C. § 507(a)(7) in the amount of \$1,425.00 based on deposit toward purchase, lease or rental

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1 of property. A true and correct copy of Claim 272-1 is attached to the Trustee Declaration as
2 **Exhibit “35”**.

3 44. On May 1, 2015, Dennis Fen S. Cao filed a claim claiming priority under 11
4 U.S.C. § 507(a)(7) in the amount of \$2,684.00 based on deposit toward purchase, lease or rental
5 of property. A true and correct copy of Claim 273-1 is attached to the Trustee Declaration as
6 **Exhibit “36”**.

7 45. On May 1, 2015, Wai Kit Wong and Yan Yan Liu filed a claim claiming priority
8 under 11 U.S.C. § 507(a)(7) in the amount of \$2,400.00 based on deposit toward purchase, lease
9 or rental of property. A true and correct copy of Claim 274-1 is attached to the Trustee
10 Declaration as **Exhibit “37”**.

11 46. On May 1, 2015, Jianxin Bi filed a claim claiming priority under 11 U.S.C. §
12 507(a)(7) in the amount of \$2,750.00 based on deposit toward purchase, lease or rental of
13 property. A true and correct copy of Claim 275-1 is attached to the Trustee Declaration as **Exhibit**
14 **“38”**.

15 47. On May 1, 2015, Jianxin Bi filed a claim claiming priority under 11 U.S.C. §
16 507(a)(7) in the amount of \$2,525.00 based on deposit toward purchase, lease or rental of
17 property. A true and correct copy of Claim 276-1 is attached to the Trustee Declaration as **Exhibit**
18 **“39”**.

19 48. On May 1, 2015, Jianxin Bi filed a claim claiming priority under 11 U.S.C. §
20 507(a)(7) in the amount of \$1,525.00 based on deposit toward purchase, lease or rental of
21 property. A true and correct copy of Claim 277-1 is attached to the Trustee Declaration as **Exhibit**
22 **“40”**.

23 49. On May 1, 2015, Yui Tong Chong and Lai Fong filed a claim claiming priority
24 under 11 U.S.C. § 507(a)(7) in the amount of \$1,750.00 based on deposit toward purchase, lease
25 or rental of property. A true and correct copy of Claim 278-1 is attached to the Trustee
26 Declaration as **Exhibit “41”**.

27 50. On May 1, 2015, Yui Tong Chong and Lai Fong filed a claim claiming priority
28 under 11 U.S.C. § 507(a)(7) in the amount of \$1,600.00 based on deposit toward purchase, lease

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1 or rental of property. A true and correct copy of Claim 279-1 is attached to the Trustee
2 Declaration as **Exhibit “42”**.

3 51. On May 1, 2015, Yui Tong Chong and Lai Fong filed a claim claiming priority
4 under 11 U.S.C. § 507(a)(7) in the amount of \$825.00 based on deposit toward purchase, lease or
5 rental of property. A true and correct copy of Claim 280-1 is attached to the Trustee Declaration
6 as **Exhibit “43”**.

7 52. On May 2, 2015, Gary Chen filed a claim claiming priority under 11 U.S.C. §
8 507(a)(7) in the amount of \$1,645.00 based on deposit toward purchase, lease or rental of
9 property. A true and correct copy of Claim 281-1 is attached to the Trustee Declaration as **Exhibit**
10 **“44”**.

11 53. On May 2, 2015, Chun Yu and Jessica Y Q Chung filed a claim claiming priority
12 under 11 U.S.C. § 507(a)(7) in the amount of \$2,750.00 based on deposit toward purchase, lease
13 or rental of property. A true and correct copy of Claim 282-1 is attached to the Trustee
14 Declaration as **Exhibit “45”**.

15 54. On May 2, 2015, Summerstone Investments, LLC filed a claim claiming priority
16 under 11 U.S.C. § 507(a)(7) in the amount of \$1,675.00 based on deposit toward purchase, lease
17 or rental of property. A true and correct copy of Claim 284-1 is attached to the Trustee
18 Declaration as **Exhibit “46”**.

19 55. On May 2, 2015, Summerstone Property, LLC filed a claim claiming priority
20 under 11 U.S.C. § 507(a)(7) in the amount of \$1,750.00 based on deposit toward purchase, lease
21 or rental of property. A true and correct copy of Claim 285-1 is attached to the Trustee
22 Declaration as **Exhibit “47”**.

23 56. On May 2, 2015, Summerstone Holdings, LLC filed a claim claiming priority
24 under 11 U.S.C. § 507(a)(7) in the amount of \$2,250.00 based on deposit toward purchase, lease
25 or rental of property. A true and correct copy of Claim 286-1 is attached to the Trustee
26 Declaration as **Exhibit “48”**.

27 57. On May 4, 2015, Erson Religioso filed a claim claiming priority under 11 U.S.C. §
28 507(a)(7) in the amount of \$930.00 based on deposit toward purchase, lease or rental of property.

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1 A true and correct copy of Claim 287-1 is attached to the Trustee Declaration as **Exhibit “49”**.

2 58. On May 4, 2015, Yuk Wing Chan and Ken Kin Cho Wong filed a claim claiming
3 priority under 11 U.S.C. § 507(a)(7) in the amount of \$1,650.00 based on deposit toward
4 purchase, lease or rental of property. A true and correct copy of Claim 288-1 is attached to the
5 Trustee Declaration as **Exhibit “50”**.

6 59. On May 4, 2015, Ping Ping Ang filed a claim claiming priority under 11 U.S.C. §
7 507(a)(7) in the amount of \$2,440.00 based on deposit toward purchase, lease or rental of
8 property. A true and correct copy of Claim 289-1 is attached to the Trustee Declaration as **Exhibit**
9 **“51”**.

10 60. On May 5, 2015, Wei Cao filed a claim claiming priority under 11 U.S.C. §
11 507(a)(7) in the amount of \$1,675.00 based on deposit toward purchase, lease or rental of
12 property. A true and correct copy of Claim 294-1 is attached to the Trustee Declaration as **Exhibit**
13 **“52”**.

14 61. On May 5, 2015, Hong Feng Hu filed a claim claiming priority under 11 U.S.C. §
15 507(a)(7) in the amount of \$1,875.00 based on deposit toward purchase, lease or rental of
16 property. A true and correct copy of Claim 295-1 is attached to the Trustee Declaration as **Exhibit**
17 **“53”**.

18 62. On May 5, 2015, Roland and Joan Lau filed a claim claiming priority under 11
19 U.S.C. § 507(a)(7) in the amount of \$1,990.00 based on deposit toward purchase, lease or rental
20 of property. A true and correct copy of Claim 298-1 is attached to the Trustee Declaration as
21 **Exhibit “54”**.

22 63. On May 5, 2015, Charles Yim and Valerie Chen Yim filed a claim claiming
23 priority under 11 U.S.C. § 507(a)(7) in the amount of \$1,025.00 based on deposit toward
24 purchase, lease or rental of property. A true and correct copy of Claim 300-1 is attached to the
25 Trustee Declaration as **Exhibit “55”**.

26 64. On May 5, 2015, Ming K. Lee and Wing C. Lee filed a claim claiming priority
27 under 11 U.S.C. § 507(a)(7) in the amount of \$2,550.00 based on deposit toward purchase, lease
28 or rental of property. A true and correct copy of Claim 301-1 is attached to the Trustee

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1 Declaration as **Exhibit “56”**.

2 65. On May 6, 2015, Warren Lee filed a claim claiming priority under 11 U.S.C. §
3 507(a)(7) in the amount of \$1,450.00 based on deposit toward purchase, lease or rental of
4 property. A true and correct copy of Claim 302-1 is attached to the Trustee Declaration as **Exhibit**
5 **“57”**.

6 66. On May 6, 2015, Alexandra Assets, LLC, filed a claim claiming priority under 11
7 U.S.C. § 507(a)(7) in the amount of \$1,850.00 based on deposit toward purchase, lease or rental
8 of property. A true and correct copy of Claim 306-1 is attached to the Trustee Declaration as
9 **Exhibit “58”**.

10 67. On May 6, 2015, Alexandra Assets, LLC, filed a claim claiming priority under 11
11 U.S.C. § 507(a)(7) in the amount of \$1,625.00 based on deposit toward purchase, lease or rental
12 of property. A true and correct copy of Claim 308-1 is attached to the Trustee Declaration as
13 **Exhibit “59”**.

14 68. On May 6, 2015, Alexandra Assets, LLC, filed a claim claiming priority under 11
15 U.S.C. § 507(a)(7) in the amount of \$2,575.00 based on deposit toward purchase, lease or rental
16 of property. A true and correct copy of Claim 309-1 is attached to the Trustee Declaration as
17 **Exhibit “60”**.

18 69. On May 6, 2015, Yunfeng Xiao, filed a claim claiming priority under 11 U.S.C. §
19 507(a)(7) in the amount of \$2,631.00 based on deposit toward purchase, lease or rental of
20 property. A true and correct copy of Claim 310-1 is attached to the Trustee Declaration as **Exhibit**
21 **“61”**.

22 70. On May 6, 2015, Hao Tang and Chieu Bui, filed a claim claiming priority under 11
23 U.S.C. § 507(a)(7) in the amount of \$2,480.00 based on deposit toward purchase, lease or rental
24 of property. A true and correct copy of Claim 311-1 is attached to the Trustee Declaration as
25 **Exhibit “62”**.

26 71. On May 6, 2015, Hao Tang and Chieu Bui, filed a claim claiming priority under 11
27 U.S.C. § 507(a)(7) in the amount of \$1,475.00 based on deposit toward purchase, lease or rental
28 of property. A true and correct copy of Claim 312-1 is attached to the Trustee Declaration as

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1 **Exhibit “63”.**

2 72. On May 6, 2015, Stella Lai, filed a claim claiming priority under 11 U.S.C. §
3 507(a)(7) in the amount of \$1,725.00 based on deposit toward purchase, lease or rental of
4 property. A true and correct copy of Claim 313-1 is attached to the Trustee Declaration as **Exhibit**
5 **“64”.**

6 73. On May 6, 2015, Stella Lai, filed a claim claiming priority under 11 U.S.C. §
7 507(a)(7) in the amount of \$1475.00 based on deposit toward purchase, lease or rental of
8 property. A true and correct copy of Claim 314-1 is attached to the Trustee Declaration as **Exhibit**
9 **“65”.**

10 74. On May 6, 2015, Stella Lai, filed a claim claiming priority under 11 U.S.C. §
11 507(a)(7) in the amount of \$1,650.00 based on deposit toward purchase, lease or rental of
12 property. A true and correct copy of Claim 315-1 is attached to the Trustee Declaration as **Exhibit**
13 **“66”.**

14 75. On May 6, 2015, Stella Lai, filed a claim claiming priority under 11 U.S.C. §
15 507(a)(7) in the amount of \$1,750.00 based on deposit toward purchase, lease or rental of
16 property. A true and correct copy of Claim 316-1 is attached to the Trustee Declaration as **Exhibit**
17 **“67”.**

18 76. On May 6, 2015, Stella Lai, filed a claim claiming priority under 11 U.S.C. §
19 507(a)(7) in the amount of \$1,425.00 based on deposit toward purchase, lease or rental of
20 property. A true and correct copy of Claim 317-1 is attached to the Trustee Declaration as **Exhibit**
21 **“68”.**

22 77. On May 6, 2015, Stella Lai, filed a claim claiming priority under 11 U.S.C. §
23 507(a)(7) in the amount of \$1,725.00 based on deposit toward purchase, lease or rental of
24 property. A true and correct copy of Claim 318-1 is attached to the Trustee Declaration as **Exhibit**
25 **“69”.**

26 78. On May 6, 2015, Stella Lai, filed a claim claiming priority under 11 U.S.C. §
27 507(a)(7) in the amount of \$1,700.00 based on deposit toward purchase, lease or rental of
28 property. A true and correct copy of Claim 319-1 is attached to the Trustee Declaration as **Exhibit**

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1 “70”.

2 79. On May 6, 2015, Wei Chen Hsu filed a claim claiming priority under 11 U.S.C. §
3 507(a)(7) in the amount of \$8,211.52 based on deposit toward purchase, lease or rental of
4 property. A true and correct copy of Claim 320-1 is attached to the Trustee Declaration as **Exhibit**
5 “71”.

6 80. On May 6, 2015, Zhaoming Hu filed a claim claiming priority under 11 U.S.C. §
7 507(a)(7) in the amount of \$1,900.00 based on deposit toward purchase, lease or rental of
8 property. A true and correct copy of Claim 321-1 is attached to the Trustee Declaration as **Exhibit**
9 “72”.

10 81. On May 6, 2015, Zhaoming Hu filed a claim claiming priority under 11 U.S.C. §
11 507(a)(7) in the amount of \$1,200.00 based on deposit toward purchase, lease or rental of
12 property. A true and correct copy of Claim 322-1 is attached to the Trustee Declaration as **Exhibit**
13 “73”.

14 82. On May 6, 2015, Zhaoming Hu filed a claim claiming priority under 11 U.S.C. §
15 507(a)(7) in the amount of \$950.00 based on deposit toward purchase, lease or rental of property.
16 A true and correct copy of Claim 323-1 is attached to the Trustee Declaration as **Exhibit “74”**.

17 83. On May 6, 2015, Zhaoming Hu filed a claim claiming priority under 11 U.S.C. §
18 507(a)(7) in the amount of \$1,100.00 based on deposit toward purchase, lease or rental of
19 property. A true and correct copy of Claim 324-1 is attached to the Trustee Declaration as **Exhibit**
20 “75”.

21 84. On May 6, 2015, Zhaoming Hu filed a claim claiming priority under 11 U.S.C. §
22 507(a)(7) in the amount of \$1,900.00 based on deposit toward purchase, lease or rental of
23 property. A true and correct copy of Claim 325-1 is attached to the Trustee Declaration as **Exhibit**
24 “76”.

25 85. On May 6, 2015, Luen K. Chan filed a claim claiming priority under 11 U.S.C. §
26 507(a)(7) in the amount of \$1,250.00 based on deposit toward purchase, lease or rental of
27 property. A true and correct copy of Claim 326-1 is attached to the Trustee Declaration as **Exhibit**
28 “77”.

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1 86. On May 6, 2015, Richard Chen and Irene Tam filed a claim claiming priority
2 under 11 U.S.C. § 507(a)(7) in the amount of \$1,700.00 based on deposit toward purchase, lease
3 or rental of property. A true and correct copy of Claim 327-1 is attached to the Trustee
4 Declaration as **Exhibit “78”**.

5 87. On May 6, 2015, Richard Chen and Irene Tam filed a claim claiming priority
6 under 11 U.S.C. § 507(a)(7) in the amount of \$1,700.00 based on deposit toward purchase, lease
7 or rental of property. A true and correct copy of Claim 328-1 is attached to the Trustee
8 Declaration as **Exhibit “79”**.

9 88. On May 6, 2015, Richard Chen and Irene Tam filed a claim claiming priority
10 under 11 U.S.C. § 507(a)(7) in the amount of \$1,430.00 based on deposit toward purchase, lease
11 or rental of property. A true and correct copy of Claim 329-1 is attached to the Trustee
12 Declaration as **Exhibit “80”**.

13 89. On May 6, 2015, Michael Xu and Leah Xu filed a claim claiming priority under 11
14 U.S.C. § 507(a)(7) in the amount of \$1,545.00 based on deposit toward purchase, lease or rental
15 of property. A true and correct copy of Claim 330-1 is attached to the Trustee Declaration as
16 **Exhibit “81”**.

17 90. On May 6, 2015, Michael Xu and Leah Xu filed a claim claiming priority under 11
18 U.S.C. § 507(a)(7) in the amount of \$1,700.00 based on deposit toward purchase, lease or rental
19 of property. A true and correct copy of Claim 331-1 is attached to the Trustee Declaration as
20 **Exhibit “82”**.

21 91. On May 7, 2015, Wei Zhuo and Xiaohong Quan filed a claim claiming priority
22 under 11 U.S.C. § 507(a)(7) in the amount of \$6,245.00 based on deposit toward purchase, lease
23 or rental of property. A true and correct copy of Claim 332-1 is attached to the Trustee
24 Declaration as **Exhibit “83”**.

25 92. On May 7, 2015, Huan-Chwang Wayne Liu and Linda Liu filed a claim claiming
26 priority under 11 U.S.C. § 507(a)(7) in the amount of \$1,550.00 based on deposit toward
27 purchase, lease or rental of property. A true and correct copy of Claim 333-1 is attached to the
28 Trustee Declaration as **Exhibit “84”**.

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1 93. On May 7, 2015, Huan-Chwang Wayne Liu and Linda Liu filed a claim claiming
2 priority under 11 U.S.C. § 507(a)(7) in the amount of \$1,925.00 based on deposit toward
3 purchase, lease or rental of property. A true and correct copy of Claim 334-1 is attached to the
4 Trustee Declaration as **Exhibit “85”**.

5 94. On May 7, 2015, Winston V. Weng and Dao To Trieu filed a claim claiming
6 priority under 11 U.S.C. § 507(a)(7) in the amount of \$1,050.00 based on deposit toward
7 purchase, lease or rental of property. A true and correct copy of Claim 335-1 is attached to the
8 Trustee Declaration as **Exhibit “86”**.

9 95. On May 7, 2015, Zhouhang Wang filed a claim claiming priority under 11 U.S.C.
10 § 507(a)(7) in the amount of \$1,800.00 based on deposit toward purchase, lease or rental of
11 property. A true and correct copy of Claim 336-1 is attached to the Trustee Declaration as **Exhibit**
12 **“87”**.

13 96. On May 7, 2015, LKE Wong, LLC filed a claim claiming priority under 11 U.S.C.
14 § 507(a)(7) in the amount of \$1,250.00 based on deposit toward purchase, lease or rental of
15 property. A true and correct copy of Claim 337-1 is attached to the Trustee Declaration as **Exhibit**
16 **“88”**.

17 97. On May 7, 2015, Wenfeng Li and Xiaoyan Zhu filed a claim claiming priority
18 under 11 U.S.C. § 507(a)(7) in the amount of \$1,445.00 based on deposit toward purchase, lease
19 or rental of property. A true and correct copy of Claim 343-1 is attached to the Trustee
20 Declaration as **Exhibit “89”**.

21 98. On May 7, 2015, Daniel Jie Qing Yuan and Mei Ling Yu filed a claim claiming
22 priority under 11 U.S.C. § 507(a)(7) in the amount of \$1,575.00 based on deposit toward
23 purchase, lease or rental of property. A true and correct copy of Claim 347-1 is attached to the
24 Trustee Declaration as **Exhibit “90”**.

25 99. On May 8, 2015, Chang Hua Ming and Yu Zhuang filed a claim claiming priority
26 under 11 U.S.C. § 507(a)(7) in the amount of \$1,775.00 based on deposit toward purchase, lease
27 or rental of property. A true and correct copy of Claim 421-1 is attached to the Trustee
28 Declaration as **Exhibit “91”**.

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1 100. On May 8, 2015, Jing Cheng Luo filed a claim claiming priority under 11 U.S.C. §
2 507(a)(7) in the amount of \$4,335.00 based on deposit toward purchase, lease or rental of
3 property. A true and correct copy of Claim 424-1 is attached to the Trustee Declaration as **Exhibit**
4 **“92”**.

5 101. On May 8, 2015, Doan Huu Lam filed a claim claiming priority under 11 U.S.C. §
6 507(a)(7) in the amount of \$1,175.00 based on deposit toward purchase, lease or rental of
7 property. A true and correct copy of Claim 468-1 is attached to the Trustee Declaration as **Exhibit**
8 **“93”**.

9 102. On May 8, 2015, Jun Liang Wu and Su Ying Cen filed a claim claiming priority
10 under 11 U.S.C. § 507(a)(7) in the amount of \$2,375.00 based on deposit toward purchase, lease
11 or rental of property. A true and correct copy of Claim 469-1 is attached to the Trustee
12 Declaration as **Exhibit “94”**.

13 103. On May 8, 2015, Xiaoli Li filed a claim claiming priority under 11 U.S.C. §
14 507(a)(7) in the amount of \$1,450.00 based on deposit toward purchase, lease or rental of
15 property. A true and correct copy of Claim 470-1 is attached to the Trustee Declaration as **Exhibit**
16 **“95”**.

17 104. On May 8, 2015, Yaqin Huang filed a claim claiming priority under 11 U.S.C. §
18 507(a)(7) in the amount of \$1,450.00 based on deposit toward purchase, lease or rental of
19 property. A true and correct copy of Claim 471-1 is attached to the Trustee Declaration as **Exhibit**
20 **“96”**.

21 105. On May 8, 2015, Johnny Yeh-Chao Chu and Theresa Chu filed a claim claiming
22 priority under 11 U.S.C. § 507(a)(7) in the amount of \$1,648.00 based on deposit toward
23 purchase, lease or rental of property. A true and correct copy of Claim 472-1 is attached to the
24 Trustee Declaration as **Exhibit “97”**.

25 106. On May 8, 2015, Hung Luong filed a claim claiming priority under 11 U.S.C. §
26 507(a)(7) in the amount of \$1,750.00 based on deposit toward purchase, lease or rental of
27 property. A true and correct copy of Claim 473-1 is attached to the Trustee Declaration as **Exhibit**
28 **“98”**.

1 107. On May 8, 2015, 3 M Brothers, LLC filed a claim claiming priority under 11
 2 U.S.C. § 507(a)(7) in the amount of \$2,064.80 based on deposit toward purchase, lease or rental
 3 of property. A true and correct copy of Claim 474-1 is attached to the Trustee Declaration as
 4 **Exhibit “99”**.

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

8 109. The Trustee now seeks an order finding that Claims 233-1, 234-1, 239-1, 241-1,
 9 242-1, 243-1, 244-1, 245-1, 246-1, 247-1, 248-1, 249-1, 250-1, 251-1, 252-1, 253-1, 254-1, 255-
 10 1,256-1, 257-1, 258-1, 259-1, 260-1, 261-1, 262-1, 263-1, 264-1, 265-1, 266-1, 267-1, 268-1,
 11 269-1, 270-1, 271-1, 272-1, 273-1, 274-1, 275-1, 276-1, 277-1, 278-1, 279-1, 280-1, 281-1, 282-
 12 1, 284-1, 285-1, 286-1, 287-1, 288-1, 289-1, 294-1, 295-1, 298-1, 300-1, 301-1, 302-1, 306-1,
 13 308-1, 309-1, 310-1, 311-1, 312-1, 313-1, 314-1, 315-1, 316-1, 317-1, 318-1, 319-1, 320-1, 321-
 14 1, 322-1, 323-1, 324-1, 325-1, 326-1, 327-1, 328-1, 329-1, 330-1, 331-1, 332-1, 333-1, 332-1,
 15 334-1, 336-1, 337-1, 343-1, 347-1, 421-1, 424-1, 468-1, 469-1, 470-1, 471-1, 472-1, 473-1, and
 16 474-1, are not entitled to priority under Section 507(a)(7), and reclassifying these claims as
 17 general unsecured claims.

18 V. LEGAL ARGUMENT

19 A. **The Standard for Disallowance of Proofs of Claim**

20 Pursuant to section 502, a filed proof of claim is deemed allowed, unless a party in interest
 21 objects thereto. *See* 11 U.S.C. § 502(a). The United States Court of Appeals for the Ninth Circuit
 22 has described the obligations of a creditor in establishing their claim and the burdens relating to
 23 proofs of claim objections:

24 Inasmuch as Rule 3001(f) and section 502(a) provide that a claim or
 25 interest as to which proof is filed is "deemed allowed," the burden
 26 of initially going forward with the evidence as to the validity and
 27 the amount of the claim is that of the objector to that claim. In short,
 28 the allegations of the proof of claim are taken as true. **If those
 allegations set forth all the necessary facts to establish a claim
 and are not self-contradictory, they prima facie establish the
 claim.** Should objection be taken, the objector is then called upon to

1 produce evidence and show facts tending to defeat the claim by
 2 probative force equal to that of the allegations of the proofs of claim
 3 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.

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

17 In accordance with Section 502(b), the validity and amount of the claim shall be
 18 determined as of the date of the filing of the bankruptcy petition. Section 502(b)(1) requires
 19 disallowance of a claim if “such claim is unenforceable against the debtor and property of the
 20 debtor, under any agreement or applicable law for a reason other than because such claim is
 21 contingent or unmatured . . .” 11 U.S.C. § 502(b)(1). The “applicable law” referenced in Section
 22 502(b)(1) includes bankruptcy law as well as other federal and state laws. A trustee is therefore
 23 allowed to raise any federal or state law defenses to a claim. *See In re G.I. Indus., Inc.*, 204 F.3d
 24 1276, 1281 (9th Cir. 2000) (stating that a claim cannot be allowed under Section 502(b)(1) if it is
 25 unenforceable under nonbankruptcy law); *Johnson v. Righetti*, 756 F.2d 738, 741 (9th Cir. 1985)
 26 (finding that the validity of the claim may be determined under state law); *In re Eastview Estates*
 27 *II*, 713 F.2d 443, 447 (9th Cir. 1983) (applying California law).

28 . . .

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

2 Section 507(a)(7) states:

3 (a) The following expenses and claims have priority in the following
4 order:

5 *****

6 (7) Seventh, allowed unsecured claims of individuals, to
7 the extent of \$2,850 for each such individual, arising
8 from the deposit, before the commencement of the
9 case, of money in connection with the purchase, lease,
10 or rental of property, or the purchase of services, for the
11 personal, family, or household use of such individuals,
12 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
18 \$2,775.00 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
is entitled to priority in landlord’s Chapter 11 case); *In re Wise*, 120 B.R. 537, 545-47(Bankr. D.
Alaska 1990) (contractual assignee of tenant security deposits was entitled to assert consumer
deposit priority).

