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

7
8 **UNITED STATES BANKRUPTCY COURT**
9 **DISTRICT OF NEVADA**

10 In re:
11 AMERI-DREAM REALTY, LLC,
12 Debtor.

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

**TRUSTEE’S SIXTH OMNIBUS
OBJECTION TO PROOFS OF CLAIM
PURSUANT TO 11 U.S.C. § 502(b)(1) AND
FEDERAL RULE OF BANKRUPTCY
PROCEDURE 3007—CLAIM NUMBERS
751-1, 752-1, 753-1, 754-1, 755-1, 756-1, 757-
1, 758-1, 759-1, 760-1, 761-1, 762-1, 763-1,
764-1, 765-1, 766-1, 767-1, 768-1, 769-1, 770-
1, 771-1, 772-1, 775-1, 776-1, 777-1, 778-1,
779-1, 781-1, 782-1, 783-1, 784-1, 785-1, 786-
1, 787-1, 788-1, 789-1, 790-1, 791-1, 792-1,
793-1, 794-1, 795-1, 796-1, 797-1, 798-1, 799-
1, 800-1, 801-1, 802-1, 803-1, 804-1, 805-1,
806-1, 807-1, 808-1, 809-1, 810-1, 811-1, 812-
1, 816-1, 817-1, 818-1, 819-1, 820-1, 821-1,
822-1, 823-1, 825-1, 826-1, 827-1, 828-1, 829-
1, 831-1, 832-1, 837-1, 838-1, 839-1, 840-1,
841-1, 842-1, 843-1, 846-1, 847-1, 848-1, 849-
1, 850-1, 851-1, 852-1, 855-1, 859-1, 860-1,
861-1, 862-1, 863-1, 864-1, 865-1, 866-1,
AND 867-1, BASED ON IMPROPER
ASSERTION OF A PRIORITY CLAIM
BY A LANDLORD FOR A SECURITY
DEPOSIT**

Date of Hearing: September 15, 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 “Trustee”), the duly appointed Chapter 7 Trustee in the above-captioned bankruptcy case, 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 Sixth Omnibus Objection To Proofs Of Claim Pursuant To 11 U.S.C. § 502(B)(1) And Federal Rule Of Bankruptcy Procedure 3007—Claim Numbers 751-1, 752-1, 753-1, 754-1, 755-1, 756-1, 757-1, 758-1, 759-1, 760-1, 761-1, 762-1, 763-1, 764-1, 765-1, 766-1, 767-1, 768-1, 769-1, 770-1, 771-1, 772-1, 775-1, 776-1, 777-1, 778-1, 779-1, 781-1, 782-1, 783-1, 784-1, 785-1, 786-1, 787-1, 788-1, 789-1, 790-1, 791-1, 792-1, 793-1, 794-1, 795-1, 796-1, 797-1, 798-1, 799-1, 800-1, 801-1, 802-1, 803-1, 804-1, 805-1, 806-1, 807-1, 808-1, 809-1, 810-1, 811-1, 812-1, 816-1, 817-1, 818-1, 819-1, 820-1, 821-1, 822-1, 823-1, 825-1, 826-1, 827-1, 828-1, 829-1, 831-1, 832-1, 837-1, 838-1, 839-1, 840-1, 841-1, 842-1, 843-1, 846-1, 847-1, 848-1, 849-1, 850-1, 851-1, 852-1, 855-1, 859-1, 860-1, 861-1, 862-1, 863-1, 864-1, 865-1, 866-1, and 867-1, 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 Sixth Omnibus Objection To Proofs Of Claim Pursuant To 11 U.S.C. § 502(B)(1) And Federal Rule Of Bankruptcy Procedure 3007—Claim Numbers 751-1, 752-1, 753-1, 754-1, 755-1, 756-1, 757-1, 758-1, 759-1, 760-1, 761-1, 762-1, 763-1, 764-1, 765-1, 766-1, 767-1, 768-1, 769-1, 770-1, 771-1, 772-1, 775-1, 776-1, 777-1, 778-1, 779-1, 781-1, 782-1, 783-1, 784-1, 785-1, 786-1, 787-1, 788-1, 789-1, 790-1, 791-1, 792-1, 793-1, 794-1, 795-1, 796-1, 797-1, 798-1, 799-1, 800-1, 801-1, 802-1, 803-1, 804-1, 805-1, 806-1, 807-1, 808-1, 809-1, 810-1, 811-1, 812-1, 816-1, 817-1, 818-1, 819-1, 820-1, 821-1, 822-1, 823-1, 825-1, 826-1, 827-1, 828-1, 829-1, 831-1, 832-1, 837-1, 838-1, 839-1, 840-1, 841-*

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 1, 842-1, 843-1, 846-1, 847-1, 848-1, 849-1, 850-1, 851-1, 852-1, 855-1, 859-1, 860-1, 861-1,
2 862-1, 863-1, 864-1, 865-1, 866-1, and 867-1, Based On Improper Assertion Of A Priority Claim
3 by a 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 claims that assert priority under Section
12 507(a)(7) by landlords for security deposits. These claims are not entitled to priority pursuant to
13 11 U.S.C. § 507(a)(7) as only tenants are allowed a priority claim for security deposits. For this
14 reason, the Trustee seeks an order finding that these claims are not entitled to priority under
15 Section 507(a)(7) and should be reclassified as general unsecured claims.

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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II. 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
Acetainer Equipment Serv Rtmt	861-1	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. 31-33.
Acetainer Equipment Serv Rtmt	862-1	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. 31-33.
Baudoin, David	778-1	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. 31-33.
Brady nee Grabowski, Livia	825-1	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. 31-33.
Brady nee Grabowski, Livia	826-1	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. 31-33.
BSLT, LLC	840-1	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. 31-33.
BSLT, LLC	841-1	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. 31-33.

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

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1	BSLT, LLC	842-1	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. 31-33.
4	Chan, Glen and Maria	768-1	Claim improperly asserts priority under 11
5	Chan		U.S.C. § 507(a)(7). This type of priority claim
6			may not be asserted by a landlord. <i>See</i> p. 31-33.
7	Chan, Glen and Maria	769-1	Claim improperly asserts priority under 11
8	Chan		U.S.C. § 507(a)(7). This type of priority claim
9			may not be asserted by a landlord. <i>See</i> p. 31-33.
10	Chang, Hweichen Lily	859-1	Claim improperly asserts priority under 11
11	and Yin Fang Wang		U.S.C. § 507(a)(7). This type of priority claim
12			may not be asserted by a landlord. <i>See</i> p. 31-33.
13	Chang, Hweichen Lily	860-1	Claim improperly asserts priority under 11
14	and Yin Fang Wang		U.S.C. § 507(a)(7). This type of priority claim
15			may not be asserted by a landlord. <i>See</i> p. 31-33.
16	Chang, Rocky	812-1	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. 31-33.
19	Chen, Chi	865-1	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. 31-33.
22	Chen, Hsiu Chu	817-1	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. 31-33.
25	Chen, Jian Hong	779-1	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. 31-33.
28			

1	Chen, Jian Hong and	775-1	Claim improperly asserts priority under 11
2	Jeannie C. Ung		U.S.C. § 507(a)(7). This type of priority claim
3			may not be asserted by a landlord. <i>See</i> p. 31-33.
4	Chen, Liyan	828-1	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. 31-33.
7	Chen, Nina	757-1	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. 31-33.
10	Chen, Nina	758-1	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. 31-33.
13	Chen, Nina	759-1	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. 31-33.
16	Cheng, Xiao Yan	761-1	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. 31-33.
19	Cho, Michael	867-1	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. 31-33.
22	Chuang, Li	784-1	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. 31-33.
25	Chuang, Matthew K.	811-1	Claim improperly asserts priority under 11
26	and Siew Mei Tan		U.S.C. § 507(a)(7). This type of priority claim
27			may not be asserted by a landlord. <i>See</i> p. 31-33.
28			

1	Diep, May Yu	752-1	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. 31-33.
4	Diep, Nhan Quang	866-1	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. 31-33.
7	Dong, Tony	755-1	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. 31-33.
10	E & E Investment, Inc.	790-1	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. 31-33.
13	E & E Investment, Inc.	791-1	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. 31-33.
16	Eden Gardens, LLC	843-1	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. 31-33.
19	Golden Sun Dynasty,	846-1	Claim improperly asserts priority under 11
20	LLC		U.S.C. § 507(a)(7). This type of priority claim
21			may not be asserted by a landlord. <i>See</i> p. 31-33.
22	Gao, Ping	863-1	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. 31-33.
25	Golden Sun Dynasty,	847-1	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. 31-33.
28			

1	Golden Sun Dynasty,	848-1	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. 31-33.
4	Golden Sun Dynasty,	849-1	Claim improperly asserts priority under 11
5	LLC		U.S.C. § 507(a)(7). This type of priority claim
6			may not be asserted by a landlord. <i>See</i> p. 31-33.
7	Golden Sun Dynasty,	850-1	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. 31-33.
10	Golden Sun Dynasty,	851-1	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. 31-33.
13	Golden Sun Dynasty,	852-1	Claim improperly asserts priority under 11
14	LLC		U.S.C. § 507(a)(7). This type of priority claim
15			may not be asserted by a landlord. <i>See</i> p. 31-33.
16	Guo, Li	837-1	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. 31-33.
19	Ha, Penny Tuyet	787-1	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. 31-33.
22	Hoang, Thao T.	776-1	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. 31-33.
25	Hoang, Thao T.	777-1	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. 31-33.
28			

1	Hsia, Frank	792-1	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. 31-33.
4	Hsia, Frank	793-1	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. 31-33.
7	Hu, Yushang	829-1	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. 31-33.
10	Jiang, Li	838-1	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. 31-33.
13	Jin, Xuefei and Lisha	806-1	Claim improperly asserts priority under 11
14	Bian		U.S.C. § 507(a)(7). This type of priority claim
15			may not be asserted by a landlord. <i>See</i> p. 31-33.
16	Jin, Xuefei and Lisha	807-1	Claim improperly asserts priority under 11
17	Bian		U.S.C. § 507(a)(7). This type of priority claim
18			may not be asserted by a landlord. <i>See</i> p. 31-33.
19	Kwan, Benny	794-1	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. 31-33.
22	Kwan, Benny	795-1	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. 31-33.
25	Lam, James and Jing	772-1	Claim improperly asserts priority under 11
26	Xia Lam		U.S.C. § 507(a)(7). This type of priority claim
27			may not be asserted by a landlord. <i>See</i> p. 31-33.
28			

1	Lee, Grace	839-1	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. 31-33.
4	Li, Li	765-1	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. 31-33.
7	Li, Wang Yang	766-1	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. 31-33.
10	Li, Wang Yang	767-1	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. 31-33.
13	Lin and Chen	808-1	Claim improperly asserts priority under 11
14	Investment, LLC		U.S.C. § 507(a)(7). This type of priority claim
15			may not be asserted by a landlord. <i>See</i> p. 31-33.
16	Lin and Chen	809-1	Claim improperly asserts priority under 11
17	Investment, LLC		U.S.C. § 507(a)(7). This type of priority claim
18			may not be asserted by a landlord. <i>See</i> p. 31-33.
19	Lin and Chen	810-1	Claim improperly asserts priority under 11
20	Investment, LLC		U.S.C. § 507(a)(7). This type of priority claim
21			may not be asserted by a landlord. <i>See</i> p. 31-33.
22	LLN Investment ING	789-1	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. 31-33.
25	Long Capture	751-1	Claim improperly asserts priority under 11
26	Holdings, LLC		U.S.C. § 507(a)(7). This type of priority claim
27			may not be asserted by a landlord. <i>See</i> p. 31-33.
28			

1	Louie, Sharon and	770-1	Claim improperly asserts priority under 11
2	Yuen Yu Louie		U.S.C. § 507(a)(7). This type of priority claim
3			may not be asserted by a landlord. <i>See</i> p. 31-33.
4	Louie, Sharon and	771-1	Claim improperly asserts priority under 11
5	Yuen Yu Louie		U.S.C. § 507(a)(7). This type of priority claim
6			may not be asserted by a landlord. <i>See</i> p. 31-33.
7	Nie, Huang Guang	785-1	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. 31-33.
10	Ou, Chun Feng and	756-1	Claim improperly asserts priority under 11
11	Chia Chi Ou		U.S.C. § 507(a)(7). This type of priority claim
12			may not be asserted by a landlord. <i>See</i> p. 31-33.
13	Regala, Josephine L.	788-1	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. 31-33.
16	RZ Investment Nevada,	805-1	Claim improperly asserts priority under 11
17	LLC		U.S.C. § 507(a)(7). This type of priority claim
18			may not be asserted by a landlord. <i>See</i> p. 31-33.
19	Shao, Rong	803-1	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. 31-33.
22	Shen, Yi Qin	762-1	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. 31-33.
25	Situ, Xian-Kui	753-1	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. 31-33.
28			

1	Song, Xiadi	864-1	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. 31-33.
4	Tran, Michelle	786-1	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. 31-33.
7	US Oriental	827-1	Claim improperly asserts priority under 11
8	Investments, LLC		U.S.C. § 507(a)(7). This type of priority claim
9			may not be asserted by a landlord. <i>See</i> p. 31-33.
10	Wang, Helen	855-1	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. 31-33.
13	Wang, Qian	763-1	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. 31-33.
16	Wong, David	796-1	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. 31-33.
19	Wong, David	797-1	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. 31-33.
22	Wong, David	798-1	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. 31-33.
25	Wu, Shao Min	760-1	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. 31-33.
28			

1	Xi, Wensi	802-1	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. 31-33.
4	Xi, Wensi and Rong	799-1	Claim improperly asserts priority under 11
5	Shao		U.S.C. § 507(a)(7). This type of priority claim
6			may not be asserted by a landlord. <i>See</i> p. 31-33.
7	Xi, Wensi and Rong	800-1	Claim improperly asserts priority under 11
8	Shao		U.S.C. § 507(a)(7). This type of priority claim
9			may not be asserted by a landlord. <i>See</i> p. 31-33.
10	Xi, Wensi and Rong	801-1	Claim improperly asserts priority under 11
11	Shao		U.S.C. § 507(a)(7). This type of priority claim
12			may not be asserted by a landlord. <i>See</i> p. 31-33.
13	Xiao, Hong Yan	831-1	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. 31-33.
16	Xie, Zheng Xiong	754-1	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. 31-33.
19	Yao, John	781-1	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. 31-33.
22	Yau, Daniel	782-1	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. 31-33.
25	Yip, Joanna	783-1	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. 31-33.
28			

1	Yu, Yang	818-1	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. 31-33.
4	Yu, Yang	819-1	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. 31-33.
7	Yu, Yang	820-1	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. 31-33.
10	Yu, Yang	821-1	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. 31-33.
13	Yu, Yang	822-1	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. 31-33.
16	Yu, Yang	823-1	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. 31-33.
19	Zhang, Litho	764-1	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. 31-33.
22	Zhao, Min	804-1	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. 31-33.
25	Zizka, Tzung Yurn	832-1	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. 31-33.
28			

1 2 3 4	Zvosec, Carla 816-1	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. 31-33.
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III. 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]⁴.

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].

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.

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].

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].

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

7. On January 13, 2018, Trustee Nelson died.

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

9. On May 13, 2015, Long Capture Holdings, LLC filed a claim claiming priority under 11 U.S.C. § 507(a)(7) in the amount of \$900.00 based on deposit toward purchase, lease or rental of property. A true and correct copy of Claim 751-1 is attached to the Trustee Declaration as **Exhibit “1”**.

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 10. On May 13, 2015, May Yu Diep filed a claim claiming priority under 11 U.S.C. §
2 507(a)(7) in the amount of \$950.00 based on deposit toward purchase, lease or rental of property.
3 A true and correct copy of Claim 752-1 is attached to the Trustee Declaration as **Exhibit “2”**.

4 11. On May 13, 2015, Xian-Kui Situ filed a claim claiming priority under 11 U.S.C. §
5 507(a)(7) in the amount of \$1,400.00 based on deposit toward purchase, lease or rental of
6 property. A true and correct copy of Claim 753-1 is attached to the Trustee Declaration as **Exhibit**
7 **“3”**.

8 12. On May 13, 2015, Zheng Xiong Xie filed a claim claiming priority under 11
9 U.S.C. § 507(a)(7) in the amount of \$1,000.00 based on deposit toward purchase, lease or rental
10 of property. A true and correct copy of Claim 754-1 is attached to the Trustee Declaration as
11 **Exhibit “4”**.

12 13. On May 13, 2015, Tony Dong filed a claim claiming priority under 11 U.S.C. §
13 507(a)(7) in the amount of \$1,950.00 based on deposit toward purchase, lease or rental of
14 property. A true and correct copy of Claim 755-1 is attached to the Trustee Declaration as **Exhibit**
15 **“5”**.

16 14. On May 13, 2015, Chun Feng Ou and Chia Chi Ou filed a claim claiming priority
17 under 11 U.S.C. § 507(a)(7) in the amount of \$1,050.00 based on deposit toward purchase, lease
18 or rental of property. A true and correct copy of Claim 756-1 is attached to the Trustee
19 Declaration as **Exhibit “6”**.

20 15. On May 13, 2015, Nina Chen filed a claim claiming priority under 11 U.S.C. §
21 507(a)(7) in the amount of \$1,900.00 based on deposit toward purchase, lease or rental of
22 property. A true and correct copy of Claim 757-1 is attached to the Trustee Declaration as **Exhibit**
23 **“7”**.

24 16. On May 13, 2015, Nina Chen filed a claim claiming priority under 11 U.S.C. §
25 507(a)(7) in the amount of \$1,600.00 based on deposit toward purchase, lease or rental of
26 property. A true and correct copy of Claim 758-1 is attached to the Trustee Declaration as **Exhibit**
27 **“8”**.

28 ...

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- 1 17. On May 13, 2015, Nina Chen filed a claim claiming priority under 11 U.S.C. §
2 507(a)(7) in the amount of \$1,925.00 based on deposit toward purchase, lease or rental of
3 property. A true and correct copy of Claim 759-1 is attached to the Trustee Declaration as **Exhibit**
4 **“9”**.
- 5 18. On May 13, 2015, Shao Min Wu filed a claim claiming priority under 11 U.S.C. §
6 507(a)(7) in the amount of \$800.00 based on deposit toward purchase, lease or rental of property.
7 A true and correct copy of Claim 760-1 is attached to the Trustee Declaration as **Exhibit “10”**.
- 8 19. On May 13, 2015, Xiao Yan Cheng filed a claim claiming priority under 11 U.S.C.
9 § 507(a)(7) in the amount of \$1,200.00 based on deposit toward purchase, lease or rental of
10 property. A true and correct copy of Claim 761-1 is attached to the Trustee Declaration as **Exhibit**
11 **“11”**.
- 12 20. On May 13, 2015, Yi Qin Shen filed a claim claiming priority under 11 U.S.C. §
13 507(a)(7) in the amount of \$850.00 based on deposit toward purchase, lease or rental of property.
14 A true and correct copy of Claim 762-1 is attached to the Trustee Declaration as **Exhibit “12”**.
- 15 21. On May 13, 2015, Qian Wang filed a claim claiming priority under 11 U.S.C. §
16 507(a)(7) in the amount of \$1,750.00 based on deposit toward purchase, lease or rental of
17 property. A true and correct copy of Claim 763-1 is attached to the Trustee Declaration as **Exhibit**
18 **“13”**.
- 19 22. On May 13, 2015, Litho Zhang filed a claim claiming priority under 11 U.S.C. §
20 507(a)(7) in the amount of \$1,645.00 based on deposit toward purchase, lease or rental of
21 property. A true and correct copy of Claim 764-1 is attached to the Trustee Declaration as **Exhibit**
22 **“14”**.
- 23 23. On May 13, 2015, Li Li filed a claim claiming priority under 11 U.S.C. § 507(a)(7)
24 in the amount of \$1,975.00 based on deposit toward purchase, lease or rental of property. A true
25 and correct copy of Claim 765-1 is attached to the Trustee Declaration as **Exhibit “15”**.
- 26 24. On May 13, 2015, Wang Yang Li filed a claim claiming priority under 11 U.S.C. §
27 507(a)(7) in the amount of \$1,225.00 based on deposit toward purchase, lease or rental of
28 property. A true and correct copy of Claim 766-1 is attached to the Trustee Declaration as **Exhibit**

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1 “16”.

2 25. On May 13, 2015, Wang Yang Li filed a claim claiming priority under 11 U.S.C. §
3 507(a)(7) in the amount of \$1,510.00 based on deposit toward purchase, lease or rental of
4 property. A true and correct copy of Claim 767-1 is attached to the Trustee Declaration as **Exhibit**
5 “17”.

6 26. On May 13, 2015, Glen Chan and Maria Chan filed a claim claiming priority under
7 11 U.S.C. § 507(a)(7) in the amount of \$1,700.00 based on deposit toward purchase, lease or
8 rental of property. A true and correct copy of Claim 768-1 is attached to the Trustee Declaration
9 as **Exhibit “18”**.

10 27. On May 13, 2015, Glen Chan and Maria Chan filed a claim claiming priority under
11 11 U.S.C. § 507(a)(7) in the amount of \$2,000.00 based on deposit toward purchase, lease or
12 rental of property. A true and correct copy of Claim 769-1 is attached to the Trustee Declaration
13 as **Exhibit “19”**.

14 28. On May 13, 2015, Sharon Louie and Yuen Yu Louie filed a claim claiming
15 priority under 11 U.S.C. § 507(a)(7) in the amount of \$1,050.00 based on deposit toward
16 purchase, lease or rental of property. A true and correct copy of Claim 770-1 is attached to the
17 Trustee Declaration as **Exhibit “20”**.

18 29. On May 13, 2015, Sharon Louie and Yuen Yu Louie filed a claim claiming
19 priority under 11 U.S.C. § 507(a)(7) in the amount of \$1,650.00 based on deposit toward
20 purchase, lease or rental of property. A true and correct copy of Claim 771-1 is attached to the
21 Trustee Declaration as **Exhibit “21”**.

22 30. On May 13, 2015, James Lam and Jing Xia Lam filed a claim claiming priority
23 under 11 U.S.C. § 507(a)(7) in the amount of \$2,112.50 based on deposit toward purchase, lease
24 or rental of property. A true and correct copy of Claim 772-1 is attached to the Trustee
25 Declaration as **Exhibit “22”**.

26 31. On May 13, 2015, Jian Hong Chen and Jeannie C. Ung filed a claim for \$2,378.00
27 and claiming priority under 11 U.S.C. § 507(a)(7) in the amount of \$1,850.00 based on deposit
28 toward purchase, lease or rental of property. A true and correct copy of Claim 775-1 is attached to

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1 the Trustee Declaration as **Exhibit “23”**.

2 32. On May 13, 2015, Thao T. Hoang filed a claim claiming priority under 11 U.S.C. §
3 507(a)(7) in the amount of \$1,850.00 based on deposit toward purchase, lease or rental of
4 property. A true and correct copy of Claim 776-1 is attached to the Trustee Declaration as **Exhibit**
5 **“24”**.

6 33. On May 13, 2015, Thao T. Hoang filed a claim claiming priority under 11 U.S.C. §
7 507(a)(7) in the amount of \$1,550.00 based on deposit toward purchase, lease or rental of
8 property. A true and correct copy of Claim 777-1 is attached to the Trustee Declaration as **Exhibit**
9 **“25”**.

10 34. On May 13, 2015, David Baudoin filed a claim claiming priority under 11 U.S.C. §
11 507(a)(7) in the amount of \$1,945.00 based on deposit toward purchase, lease or rental of
12 property. A true and correct copy of Claim 778-1 is attached to the Trustee Declaration as **Exhibit**
13 **“26”**.

14 35. On May 13, 2015, Jian Hong Chen filed a claim claiming priority under 11 U.S.C.
15 § 507(a)(7) in the amount of \$2,300.00 based on deposit toward purchase, lease or rental of
16 property. A true and correct copy of Claim 779-1 is attached to the Trustee Declaration as **Exhibit**
17 **“27”**.

18 36. On May 13, 2015, John Yao filed a claim for \$2,510.00 and claiming priority
19 under 11 U.S.C. § 507(a)(7) in the amount of \$2,260.00 based on deposit toward purchase, lease
20 or rental of property. A true and correct copy of Claim 781-1 is attached to the Trustee
21 Declaration as **Exhibit “28”**.

22 37. On May 13, 2015, Daniel Yau filed a claim for \$3,735.00 and claiming priority
23 under 11 U.S.C. § 507(a)(7) in the amount of \$2,450.00 based on deposit toward purchase, lease
24 or rental of property. A true and correct copy of Claim 782-1 is attached to the Trustee
25 Declaration as **Exhibit “29”**.

26 38. On May 13, 2015, Joanna Yip filed a claim for \$2,715.00 and claiming priority
27 under 11 U.S.C. § 507(a)(7) in the amount of \$1,350.00 based on deposit toward purchase, lease
28 or rental of property. A true and correct copy of Claim 783-1 is attached to the Trustee

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1 Declaration as **Exhibit “30”**.

2 39. On May 13, 2015, Li Chuang filed a claim for \$3,578.00 and claiming priority
3 under 11 U.S.C. § 507(a)(7) in the amount of \$1,850.00 based on deposit toward purchase, lease
4 or rental of property. A true and correct copy of Claim 784-1 is attached to the Trustee
5 Declaration as **Exhibit “31”**.

6 40. On May 13, 2015, Huang Guang Nie filed a claim for \$2,790.00 and claiming
7 priority under 11 U.S.C. § 507(a)(7) in the amount of \$1,600.00 based on deposit toward
8 purchase, lease or rental of property. A true and correct copy of Claim 785-1 is attached to the
9 Trustee Declaration as **Exhibit “32”**.

10 41. On May 13, 2015, Michelle Tran filed a claim for \$3,326.00 and claiming priority
11 under 11 U.S.C. § 507(a)(7) in the amount of \$1,000.00 based on deposit toward purchase, lease
12 or rental of property. A true and correct copy of Claim 786-1 is attached to the Trustee
13 Declaration as **Exhibit “33”**.

14 42. On May 13, 2015, Penny Tuyet Ha filed a claim for \$3,400.00 and claiming
15 priority under 11 U.S.C. § 507(a)(7) in the amount of \$1,700.00 based on deposit toward
16 purchase, lease or rental of property. A true and correct copy of Claim 787-1 is attached to the
17 Trustee Declaration as **Exhibit “34”**.

18 43. On May 13, 2015, Josephine L. Regala filed a claim for \$3,000.00 and claiming
19 priority under 11 U.S.C. § 507(a)(7) in the amount of \$1,650.00 based on deposit toward
20 purchase, lease or rental of property. A true and correct copy of Claim 788-1 is attached to the
21 Trustee Declaration as **Exhibit “35”**.

22 44. On May 13, 2015, LLN Investment ING filed a claim for \$4,483.00 and claiming
23 priority under 11 U.S.C. § 507(a)(7) in the amount of \$2,400.00 based on deposit toward
24 purchase, lease or rental of property. A true and correct copy of Claim 789-1 is attached to the
25 Trustee Declaration as **Exhibit “36”**.

26 45. On May 13, 2015, E & E Investment, Inc. filed a claim for \$3,064.96 and claiming
27 priority under 11 U.S.C. § 507(a)(7) in the amount of \$1,650.00 based on deposit toward
28 purchase, lease or rental of property. A true and correct copy of Claim 790-1 is attached to the

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1 Trustee Declaration as **Exhibit “37”**.

2 46. On May 13, 2015, E & E Investment, Inc. filed a claim for \$3,833.00 and claiming
3 priority under 11 U.S.C. § 507(a)(7) in the amount of \$2,450.00 based on deposit toward
4 purchase, lease or rental of property. A true and correct copy of Claim 791-1 is attached to the
5 Trustee Declaration as **Exhibit “38”**.

6 47. On May 13, 2015, Frank Hsia filed a claim for \$3,983.00 and claiming priority
7 under 11 U.S.C. § 507(a)(7) in the amount of \$2,000.00 based on deposit toward purchase, lease
8 or rental of property. A true and correct copy of Claim 792-1 is attached to the Trustee
9 Declaration as **Exhibit “39”**.

10 48. On May 13, 2015, Frank Hsia filed a claim for \$2,100.00 and claiming priority
11 under 11 U.S.C. § 507(a)(7) in the amount of \$1,900.00 based on deposit toward purchase, lease
12 or rental of property. A true and correct copy of Claim 793-1 is attached to the Trustee
13 Declaration as **Exhibit “40”**.

14 49. On May 13, 2015, Benny Kwan filed a claim for \$2,612.00 and claiming priority
15 under 11 U.S.C. § 507(a)(7) in the amount of \$1,000.00 based on deposit toward purchase, lease
16 or rental of property. A true and correct copy of Claim 794-1 is attached to the Trustee
17 Declaration as **Exhibit “41”**.

18 50. On May 13, 2015, Benny Kwan filed a claim for \$2,540.00 and claiming priority
19 under 11 U.S.C. § 507(a)(7) in the amount of \$1,155.00 based on deposit toward purchase, lease
20 or rental of property. A true and correct copy of Claim 795-1 is attached to the Trustee
21 Declaration as **Exhibit “42”**.

22 51. On May 13, 2015, David Wong filed a claim for \$2,723.00 and claiming priority
23 under 11 U.S.C. § 507(a)(7) in the amount of \$1,250.00 based on deposit toward purchase, lease
24 or rental of property. A true and correct copy of Claim 796-1 is attached to the Trustee
25 Declaration as **Exhibit “43”**.

26 52. On May 13, 2015, David Wong filed a claim for \$2,621.44 and claiming priority
27 under 11 U.S.C. § 507(a)(7) in the amount of \$1,318.00 based on deposit toward purchase, lease
28 or rental of property. A true and correct copy of Claim 797-1 is attached to the Trustee

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1 Declaration as **Exhibit “44”**.

2 53. On May 13, 2015, David Wong filed a claim for \$2,833.00 and claiming priority
3 under 11 U.S.C. § 507(a)(7) in the amount of \$1,550.00 based on deposit toward purchase, lease
4 or rental of property. A true and correct copy of Claim 798-1 is attached to the Trustee
5 Declaration as **Exhibit “45”**.

6 54. On May 13, 2015, Wensi Xi and Rong Shao filed a claim for \$2,209.00 and
7 claiming priority under 11 U.S.C. § 507(a)(7) in the amount of \$1,000.00 based on deposit toward
8 purchase, lease or rental of property. A true and correct copy of Claim 799-1 is attached to the
9 Trustee Declaration as **Exhibit “46”**.

10 55. On May 13, 2015, Wensi Xi and Rong Shao filed a claim for \$2,685.00 and
11 claiming priority under 11 U.S.C. § 507(a)(7) in the amount of \$1,200.00 based on deposit toward
12 purchase, lease or rental of property. A true and correct copy of Claim 800-1 is attached to the
13 Trustee Declaration as **Exhibit “47”**.

14 56. On May 13, 2015, Wensi Xi and Rong Shao filed a claim for \$2,502.00 and
15 claiming priority under 11 U.S.C. § 507(a)(7) in the amount of \$1,200.00 based on deposit toward
16 purchase, lease or rental of property. A true and correct copy of Claim 801-1 is attached to the
17 Trustee Declaration as **Exhibit “48”**.

18 57. On May 13, 2015, Wensi Xi filed a claim for \$2,107.00 and claiming priority
19 under 11 U.S.C. § 507(a)(7) in the amount of \$1,000.00 based on deposit toward purchase, lease
20 or rental of property. A true and correct copy of Claim 802-1 is attached to the Trustee
21 Declaration as **Exhibit “49”**.

22 58. On May 13, 2015, Rong Shao filed a claim for \$1,661.00 and claiming priority
23 under 11 U.S.C. § 507(a)(7) in the amount of \$1,300.00 based on deposit toward purchase, lease
24 or rental of property. A true and correct copy of Claim 803-1 is attached to the Trustee
25 Declaration as **Exhibit “50”**.

26 59. On May 13, 2015, Min Zhao filed a claim for \$3,040.00 and claiming priority
27 under 11 U.S.C. § 507(a)(7) in the amount of \$1,500.00 based on deposit toward purchase, lease
28 or rental of property. A true and correct copy of Claim 804-1 is attached to the Trustee

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1 Declaration as **Exhibit “51”**.

2 60. On May 13, 2015, RZ Investment Nevada, LLC filed a claim for \$2,228.00 and
3 claiming priority under 11 U.S.C. § 507(a)(7) in the amount of \$1,000.00 based on deposit toward
4 purchase, lease or rental of property. A true and correct copy of Claim 805-1 is attached to the
5 Trustee Declaration as **Exhibit “52”**.

6 61. On May 13, 2015, Xuefei Jin and Lisha Bian filed a claim for \$2,845.00 and
7 claiming priority under 11 U.S.C. § 507(a)(7) in the amount of \$1,200.00 based on deposit toward
8 purchase, lease or rental of property. A true and correct copy of Claim 806-1 is attached to the
9 Trustee Declaration as **Exhibit “53”**.

10 62. On May 13, 2015, Xuefei Jin and Lisha Bian filed a claim for \$2,798.00 and
11 claiming priority under 11 U.S.C. § 507(a)(7) in the amount of \$1,200.00 based on deposit toward
12 purchase, lease or rental of property. A true and correct copy of Claim 807-1 is attached to the
13 Trustee Declaration as **Exhibit “54”**.

14 63. On May 13, 2015, Lin and Chen Investment, LLC filed a claim for \$2,815.00 and
15 claiming priority under 11 U.S.C. § 507(a)(7) in the amount of \$1,450.00 based on deposit toward
16 purchase, lease or rental of property. A true and correct copy of Claim 808-1 is attached to the
17 Trustee Declaration as **Exhibit “55”**.

18 64. On May 13, 2015, Lin and Chen Investment, LLC filed a claim for \$3,100.00 and
19 claiming priority under 11 U.S.C. § 507(a)(7) in the amount of \$1,600.00 based on deposit toward
20 purchase, lease or rental of property. A true and correct copy of Claim 809-1 is attached to the
21 Trustee Declaration as **Exhibit “56”**.

22 65. On May 13, 2015, Lin and Chen Investment, LLC filed a claim for \$3,107.00 and
23 claiming priority under 11 U.S.C. § 507(a)(7) in the amount of \$1,707.00 based on deposit toward
24 purchase, lease or rental of property. A true and correct copy of Claim 810-1 is attached to the
25 Trustee Declaration as **Exhibit “57”**.

26 66. On May 14, 2015, Matthew K. Chuang and Siew Mei Tan filed a claim claiming
27 priority under 11 U.S.C. § 507(a)(7) in the amount of \$1,150.00 based on deposit toward
28 purchase, lease or rental of property. A true and correct copy of Claim 811-1 is attached to the

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1 Trustee Declaration as **Exhibit “58”**.

2 67. On May 14, 2015, Rocky Chang filed a claim claiming priority under 11 U.S.C. §
3 507(a)(7) in the amount of \$1,400.00 based on deposit toward purchase, lease or rental of
4 property. A true and correct copy of Claim 812-1 is attached to the Trustee Declaration as **Exhibit**
5 **“59”**.

6 68. On May 14, 2015, Carla Zvosec filed a claim claiming priority under 11 U.S.C. §
7 507(a)(7) in the amount of \$1,295.00 based on deposit toward purchase, lease or rental of
8 property. A true and correct copy of Claim 816-1 is attached to the Trustee Declaration as **Exhibit**
9 **“60”**.

10 69. On May 14, 2015, Hsiu Chu Chen filed a claim claiming priority under 11 U.S.C.
11 § 507(a)(7) in the amount of \$1,500.00 based on deposit toward purchase, lease or rental of
12 property. A true and correct copy of Claim 817-1 is attached to the Trustee Declaration as **Exhibit**
13 **“61”**.

14 70. On May 14, 2015, Yang Yu filed a claim claiming priority under 11 U.S.C. §
15 507(a)(7) in the amount of \$1,700.00 based on deposit toward purchase, lease or rental of
16 property. A true and correct copy of Claim 818-1 is attached to the Trustee Declaration as **Exhibit**
17 **“62”**.

18 71. On May 14, 2015, Yang Yu filed a claim claiming priority under 11 U.S.C. §
19 507(a)(7) in the amount of \$1,300.00 based on deposit toward purchase, lease or rental of
20 property. A true and correct copy of Claim 819-1 is attached to the Trustee Declaration as **Exhibit**
21 **“63”**.

22 72. On May 14, 2015, Yang Yu filed a claim claiming priority under 11 U.S.C. §
23 507(a)(7) in the amount of \$1,900.00 based on deposit toward purchase, lease or rental of
24 property. A true and correct copy of Claim 820-1 is attached to the Trustee Declaration as **Exhibit**
25 **“64”**.

26 73. On May 14, 2015, Yang Yu filed a claim claiming priority under 11 U.S.C. §
27 507(a)(7) in the amount of \$1,235.00 based on deposit toward purchase, lease or rental of
28 property. A true and correct copy of Claim 821-1 is attached to the Trustee Declaration as **Exhibit**

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1 “65”.

2 74. On May 14, 2015, Yang Yu filed a claim claiming priority under 11 U.S.C. §
3 507(a)(7) in the amount of \$1,135.00 based on deposit toward purchase, lease or rental of
4 property. A true and correct copy of Claim 822-1 is attached to the Trustee Declaration as **Exhibit**

5 “66”.

6 75. On May 14, 2015, Yang Yu filed a claim claiming priority under 11 U.S.C. §
7 507(a)(7) in the amount of \$1,300.00 based on deposit toward purchase, lease or rental of
8 property. A true and correct copy of Claim 823-1 is attached to the Trustee Declaration as **Exhibit**

9 “67”.

10 76. On May 14, 2015, Livia Brady nee Grabowski filed a claim claiming priority
11 under 11 U.S.C. § 507(a)(7) in the amount of \$1,070.00 based on deposit toward purchase, lease
12 or rental of property. A true and correct copy of Claim 825-1 is attached to the Trustee
13 Declaration as **Exhibit “68”**.

14 77. On May 14, 2015, Livia Brady nee Grabowski filed a claim claiming priority
15 under 11 U.S.C. § 507(a)(7) in the amount of \$1,100.00 based on deposit toward purchase, lease
16 or rental of property. A true and correct copy of Claim 826-1 is attached to the Trustee
17 Declaration as **Exhibit “69”**.

18 78. On May 14, 2015, US Oriental Investments, LLC filed a claim claiming priority
19 under 11 U.S.C. § 507(a)(7) in the amount of \$700.00 based on deposit toward purchase, lease or
20 rental of property. A true and correct copy of Claim 827-1 is attached to the Trustee Declaration
21 as **Exhibit “70”**.

22 79. On May 14, 2015, Liyan Chen filed a claim claiming priority under 11 U.S.C. §
23 507(a)(7) in the amount of \$850.00 based on deposit toward purchase, lease or rental of property.
24 A true and correct copy of Claim 828-1 is attached to the Trustee Declaration as **Exhibit “71”**.

25 80. On May 14, 2015, Yushang Hu filed a claim claiming priority under 11 U.S.C. §
26 507(a)(7) in the amount of \$1,650.00 based on deposit toward purchase, lease or rental of
27 property. A true and correct copy of Claim 829-1 is attached to the Trustee Declaration as **Exhibit**
28 **“72”**.

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- 1 81. On May 14, 2015, Hong Yan Xiao filed a claim claiming priority under 11 U.S.C.
2 § 507(a)(7) in the amount of \$1,590.00 based on deposit toward purchase, lease or rental of
3 property. A true and correct copy of Claim 831-1 is attached to the Trustee Declaration as **Exhibit**
4 **“73”**.
- 5 82. On May 14, 2015, Tzung Yurn Zizka filed a claim claiming priority under 11
6 U.S.C. § 507(a)(7) in the amount of \$2,097.00 based on deposit toward purchase, lease or rental
7 of property. A true and correct copy of Claim 832-1 is attached to the Trustee Declaration as
8 **Exhibit “74”**.
- 9 83. On May 14, 2015, Li Guo filed a claim claiming priority under 11 U.S.C. §
10 507(a)(7) in the amount of \$1,650.00 based on deposit toward purchase, lease or rental of
11 property. A true and correct copy of Claim 837-1 is attached to the Trustee Declaration as **Exhibit**
12 **“75”**.
- 13 84. On May 14, 2015, Li Jiang filed a claim claiming priority under 11 U.S.C. §
14 507(a)(7) in the amount of \$1,050.00 based on deposit toward purchase, lease or rental of
15 property. A true and correct copy of Claim 838-1 is attached to the Trustee Declaration as **Exhibit**
16 **“76”**.
- 17 85. On May 14, 2015, Grace Lee filed a claim claiming priority under 11 U.S.C. §
18 507(a)(7) in the amount of \$1,000.00 based on deposit toward purchase, lease or rental of
19 property. A true and correct copy of Claim 839-1 is attached to the Trustee Declaration as **Exhibit**
20 **“77”**.
- 21 86. On May 14, 2015, BSLT, LLC filed a claim claiming priority under 11 U.S.C. §
22 507(a)(7) in the amount of \$2,500.00 based on deposit toward purchase, lease or rental of
23 property. A true and correct copy of Claim 840-1 is attached to the Trustee Declaration as **Exhibit**
24 **“78”**.
- 25 87. On May 14, 2015, BSLT, LLC filed a claim claiming priority under 11 U.S.C. §
26 507(a)(7) in the amount of \$1,400.00 based on deposit toward purchase, lease or rental of
27 property. A true and correct copy of Claim 841-1 is attached to the Trustee Declaration as **Exhibit**
28 **“79”**.

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- 1 88. On May 14, 2015, BSLT, LLC filed a claim claiming priority under 11 U.S.C. §
2 507(a)(7) in the amount of \$1,200.00 based on deposit toward purchase, lease or rental of
3 property. A true and correct copy of Claim 842-1 is attached to the Trustee Declaration as **Exhibit**
4 **“80”**.
- 5 89. On May 14, 2015, Eden Gardens, LLC filed a claim claiming priority under 11
6 U.S.C. § 507(a)(7) in the amount of \$2,200.00 based on deposit toward purchase, lease or rental
7 of property. A true and correct copy of Claim 843-1 is attached to the Trustee Declaration as
8 **Exhibit “81”**.
- 9 90. On May 14, 2015, Golden Sun Dynasty, LLC filed a claim claiming priority under
10 11 U.S.C. § 507(a)(7) in the amount of \$1,150.00 based on deposit toward purchase, lease or
11 rental of property. A true and correct copy of Claim 846-1 is attached to the Trustee Declaration
12 as **Exhibit “82”**.
- 13 91. On May 14, 2015, Golden Sun Dynasty, LLC filed a claim claiming priority under
14 11 U.S.C. § 507(a)(7) in the amount of \$1,250.00 based on deposit toward purchase, lease or
15 rental of property. A true and correct copy of Claim 847-1 is attached to the Trustee Declaration
16 as **Exhibit “83”**.
- 17 92. On May 14, 2015, Golden Sun Dynasty, LLC filed a claim claiming priority under
18 11 U.S.C. § 507(a)(7) in the amount of \$1,400.00 based on deposit toward purchase, lease or
19 rental of property. A true and correct copy of Claim 848-1 is attached to the Trustee Declaration
20 as **Exhibit “84”**.
- 21 93. On May 14, 2015, Golden Sun Dynasty, LLC filed a claim claiming priority under
22 11 U.S.C. § 507(a)(7) in the amount of \$1,550.00 based on deposit toward purchase, lease or
23 rental of property. A true and correct copy of Claim 849-1 is attached to the Trustee Declaration
24 as **Exhibit “85”**.
- 25 94. On May 14, 2015, Golden Sun Dynasty, LLC filed a claim claiming priority under
26 11 U.S.C. § 507(a)(7) in the amount of \$4,250.00 based on deposit toward purchase, lease or
27 rental of property. A true and correct copy of Claim 850-1 is attached to the Trustee Declaration
28 as **Exhibit “86”**.

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1 95. On May 14, 2015, Golden Sun Dynasty, LLC filed a claim claiming priority under
2 11 U.S.C. § 507(a)(7) in the amount of \$2,200.00 based on deposit toward purchase, lease or
3 rental of property. A true and correct copy of Claim 851-1 is attached to the Trustee Declaration
4 as **Exhibit “87”**.

5 96. On May 14, 2015, Golden Sun Dynasty, LLC filed a claim claiming priority under
6 11 U.S.C. § 507(a)(7) in the amount of \$1,125.00 based on deposit toward purchase, lease or
7 rental of property. A true and correct copy of Claim 852-1 is attached to the Trustee Declaration
8 as **Exhibit “88”**.

9 97. On May 14, 2015, Helen Wang filed a claim claiming priority under 11 U.S.C. §
10 507(a)(7) in the amount of \$1,095.00 based on deposit toward purchase, lease or rental of
11 property. A true and correct copy of Claim 855-1 is attached to the Trustee Declaration as **Exhibit**
12 **“89”**.

13 98. On May 14, 2015, Hweichen Lily Chang and Yin Fang Wang filed a claim
14 claiming priority under 11 U.S.C. § 507(a)(7) in the amount of \$850.00 based on deposit toward
15 purchase, lease or rental of property. A true and correct copy of Claim 859-1 is attached to the
16 Trustee Declaration as **Exhibit “90”**.

17 99. On May 14, 2015, Hweichen Lily Chang and Yin Fang Wang filed a claim for
18 \$5241.00, claiming a secured claim of \$3,266.00 and claiming priority under 11 U.S.C. §
19 507(a)(7) in the amount of \$1,975.00 based on deposit toward purchase, lease or rental of
20 property. A true and correct copy of Claim 860-1 is attached to the Trustee Declaration as **Exhibit**
21 **“91”**.

22 100. On May 14, 2015, Acetainer Equipment Serv Rtmt filed a claim claiming priority
23 under 11 U.S.C. § 507(a)(7) in the amount of \$750.00 based on deposit toward purchase, lease or
24 rental of property. A true and correct copy of Claim 861-1 is attached to the Trustee Declaration
25 as **Exhibit “92”**.

26 101. On May 14, 2015, Acetainer Equipment Serv Rtmt filed a claim claiming priority
27 under 11 U.S.C. § 507(a)(7) in the amount of \$1,375.00 based on deposit toward purchase, lease
28 or rental of property. A true and correct copy of Claim 862-1 is attached to the Trustee

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1 Declaration as **Exhibit “93”**.

2 102. On May 14, 2015, Ping Gao filed a claim claiming priority under 11 U.S.C. §
3 507(a)(7) in the amount of \$1,680.00 based on deposit toward purchase, lease or rental of
4 property. A true and correct copy of Claim 863-1 is attached to the Trustee Declaration as **Exhibit**
5 **“94”**.

6 103. On May 14, 2015, Xiadi Song filed a claim claiming priority under 11 U.S.C. §
7 507(a)(7) in the amount of \$1,175.00 based on deposit toward purchase, lease or rental of
8 property. A true and correct copy of Claim 864-1 is attached to the Trustee Declaration as **Exhibit**
9 **“95”**.

10 104. On May 14, 2015, Chi Chen filed a claim claiming priority under 11 U.S.C. §
11 507(a)(7) in the amount of \$1,750.00 based on deposit toward purchase, lease or rental of
12 property. A true and correct copy of Claim 865-1 is attached to the Trustee Declaration as **Exhibit**
13 **“96”**.

14 105. On May 14, 2015, Nhan Quang Diep filed a claim claiming priority under 11
15 U.S.C. § 507(a)(7) in the amount of \$852.90 based on deposit toward purchase, lease or rental of
16 property. A true and correct copy of Claim 866-1 is attached to the Trustee Declaration as **Exhibit**
17 **“97”**.

18 106. On May 14, 2015, Michael Cho filed a claim claiming priority under 11 U.S.C. §
19 507(a)(7) in the amount of \$1,000.00 based on deposit toward purchase, lease or rental of
20 property. A true and correct copy of Claim 867-1 is attached to the Trustee Declaration as **Exhibit**
21 **“98”**.

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

25 108. The Trustee now seeks an order finding that Claims 751-1, 752-1, 753-1, 754-1,
26 755-1, 756-1, 757-1, 758-1, 759-1, 760-1, 761-1, 762-1, 763-1, 764-1, 765-1, 766-1, 767-1, 768-
27 1, 769-1, 770-1, 771-1, 772-1, 775-1, 776-1, 777-1, 778-1, 779-1, 781-1, 782-1, 783-1, 784-1,
28 785-1, 786-1, 787-1, 788-1, 789-1, 790-1, 791-1, 792-1, 793-1, 794-1, 795-1, 796-1, 797-1, 798-

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1 1, 799-1, 800-1, 801-1, 802-1, 803-1, 804-1, 805-1, 806-1, 807-1, 808-1, 809-1, 810-1, 811-1,
2 812-1, 816-1, 817-1, 818-1, 819-1, 820-1, 821-1, 822-1, 823-1, 825-1, 826-1, 827-1, 828-1, 829-
3 1, 831-1, 832-1, 837-1, 838-1, 839-1, 840-1, 841-1, 842-1, 843-1, 846-1, 847-1, 848-1, 849-1,
4 850-1, 851-1, 852-1, 855-1, 859-1, 860-1, 861-1, 862-1, 863-1, 864-1, 865-1, 866-1, and 867-1,
5 are not entitled to priority under Section 507(a)(7), and reclassifying these claims as general
6 unsecured claims.

7 **IV. LEGAL ARGUMENT**

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

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

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

21 *Wright v. Holm (In re Holm)*, 931 F.2d 620, 623 (9th Cir. 1991) (quoting 3 L. King, COLLIER ON
22 BANKRUPTCY § 502.02, at 502-22 (15th ed. 1991)) (emphasis removed) (emphasis added); *see*
23 *also Lundell v. Anchor Constr. Specialists, Inc.*, 223 F.3d 1035, 1040 (9th Cir. 2000) (holding that
24 the bankruptcy court correctly understood that the ultimate burden of persuasion was on the
25 creditor); *Spencer v. Pugh (In re Pugh)*, 157 B.R. 898, 901 (B.A.P. 9th Cir. 1993) (holding
26 claimant bears ultimate burden of persuasion as to validity and amount of the claim by a
27 preponderance of the evidence). Accordingly, to be entitled to prima facie validity of a claim, a
28 proof of claim must set forth all necessary facts to establish the claim. *Wright*, 931 F.2d at 623.

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1 Furthermore, the ultimate burden is always on the claimant, and a claim must be denied if the
2 claimant cannot carry this burden after an objection showing facts tending to defeat the claim. *Id.*
3 If the objector produces sufficient evidence to negate one or more of the sworn facts in the proof
4 of claim, the burden reverts to the claimant to prove the validity of the claim by a preponderance
5 of the evidence. *See Lundell*, 223 F.3d at 1039 (citations omitted).

6 In accordance with Section 502(b), the validity and amount of the claim shall be
7 determined as of the date of the filing of the bankruptcy petition. Section 502(b)(1) requires
8 disallowance of a claim if “such claim is unenforceable against the debtor and property of the
9 debtor, under any agreement or applicable law for a reason other than because such claim is
10 contingent or unmatured . . .” 11 U.S.C. § 502(b)(1). The “applicable law” referenced in Section
11 502(b)(1) includes bankruptcy law as well as other federal and state laws. A trustee is therefore
12 allowed to raise any federal or state law defenses to a claim. *See In re G.I. Indus., Inc.*, 204 F.3d
13 1276, 1281 (9th Cir. 2000) (stating that a claim cannot be allowed under Section 502(b)(1) if it is
14 unenforceable under nonbankruptcy law); *Johnson v. Righetti*, 756 F.2d 738, 741 (9th Cir. 1985)
15 (finding that the validity of the claim may be determined under state law); *In re Eastview Estates*
16 *II*, 713 F.2d 443, 447 (9th Cir. 1983) (applying California law).

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

18 Section 507(a)(7) states:

19 (a) The following expenses and claims have priority in the following
20 order:

21 *****

22 (7) Seventh, allowed unsecured claims of individuals, to
23 the extent of \$2,850 for each such individual, arising
24 from the deposit, before the commencement of the
25 case, of money in connection with the purchase, lease,
26 or rental of property, or the purchase of services, for the
27 personal, family, or household use of such individuals,
28 that were not delivered or provided.

Case law establishes that tenants are entitled to seventh level priority. The Code provides
a seventh priority for allowed, unsecured claims of individuals who deposited money with

1 the debtor prepetition and in connection with the purchase, lease, or rental of property, or the
 2 purchase of services, for the personal, family, or household use of such an individual where the
 3 debtor failed to deliver such property or services. This priority is limited to the extent of \$2,775
 4 for each such individual and has been referred to as the “consumer priority.”

5 Courts have interpreted “individual” in its ordinary sense: An individual means “one
 6 natural person” and does not include business entities such as corporations or partnerships. *See In*
 7 *re James R. Corbitt Co.*, 48 B.R. 937, 939 (Bankr. E.D. Va. 1985); *In re Carolina Sales Corp.*,
 8 43 B.R. 596, 597 (Bankr. E.D.N.C. 1984). A residential tenant who pays a security deposit is
 9 entitled to a §507(a)(7) priority claim in the landlord's bankruptcy case. *See Guarracino v.*
 10 *Hoffman*, 246 B.R. 130, 134 (D. Mass. 2000)(“Given that non-commercial tenant security
 11 deposits are within the scope of the statute and legislative history evidences Congress’ intent to
 12 protect a consumer's money held in trust, it follows that the \$1300 security deposit should be
 13 given administrative priority.”); *In re River Vill. Assocs.*, 161 B.R. 127, 133-34 (Bankr. E.D. Pa.
 14 1993) aff'd, 181 B.R. 795 (E.D. Pa. 1995) (holding that each tenant’s claim for security deposits
 15 is entitled to priority in landlord’s Chapter 11 case); *In re Wise*, 120 B.R. 537, 545-47 (Bankr. D.
 16 Alaska 1990) (contractual assignee of tenant security deposits was entitled to assert consumer
 17 deposit priority).

18 The Court in *Guarracino* held that Section 507(6) allowing sixth-level (now Section
 19 507(a)(7) allowing seventh-level) priority to unsecured claims for the recovery of sums deposited
 20 with debtor in connection with the purchase, lease or rental of property was enacted to
 21 protect unsuspecting individuals who deposit money into what is tantamount to a trust fund.
 22 In the instant case, it is the individual tenants who deposited the money, not the landlords.
 23 Therefore, the tenants, and only the tenants, are entitled to a priority claim.

24 Here, each of the claims objected to was filed by a landlord, asserting a priority claim
 25 under 11 U.S.C. § 507(a)(7). The deposits in question were not for the purchase, lease, or rental of
 26 property for the personal, family, or household of those asserting the claim. Accordingly, these
 27 claims should be reclassified as general unsecured claims.

28 . . .

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V. CONCLUSION

For the foregoing reasons, the Trustee respectfully requests that the Court enter an order:
(i) sustaining the Objections to claim numbers 751-1, 752-1, 753-1, 754-1, 755-1, 756-1, 757-1, 758-1, 759-1, 760-1, 761-1, 762-1, 763-1, 764-1, 765-1, 766-1, 767-1, 768-1, 769-1, 770-1, 771-1, 772-1, 775-1, 776-1, 777-1, 778-1, 779-1, 781-1, 782-1, 783-1, 784-1, 785-1, 786-1, 787-1, 788-1, 789-1, 790-1, 791-1, 792-1, 793-1, 794-1, 795-1, 796-1, 797-1, 798-1, 799-1, 800-1, 801-1, 802-1, 803-1, 804-1, 805-1, 806-1, 807-1, 808-1, 809-1, 810-1, 811-1, 812-1, 816-1, 817-1, 818-1, 819-1, 820-1, 821-1, 822-1, 823-1, 825-1, 826-1, 827-1, 828-1, 829-1, 831-1, 832-1, 837-1, 838-1, 839-1, 840-1, 841-1, 842-1, 843-1, 846-1, 847-1, 848-1, 849-1, 850-1, 851-1, 852-1, 855-1, 859-1, 860-1, 861-1, 862-1, 863-1, 864-1, 865-1, 866-1, 867-1, and reclassify these claims as general unsecured claims; and (ii) for such other and further relief as is just and proper.

Dated this 13th day of August, 2020.

HOUAMAND LAW FIRM, LTD.

By: */s/ Bradley G. Sims, Esq.*
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