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

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

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

DECLARATION OF SHELLEY D. KROHN IN SUPPORT OF TRUSTEE'S EIGHTH OMNIBUS OBJECTION TO PROOFS OF CLAIM PURSUANT TO 11 U.S.C. § 502(b)(1) AND FEDERAL RULE OF BANKRUPTCY PROCEDURE 3007—CLAIM NUMBERS 5-1, 19-1, 20-1, 24-1, 44-1, 45-1, 61-1, 64-1, 84-1, 109-1, 136-1, 142-1, 201-1, 290-1, 291-1, 293-1, 601-1, 660-1, 836-1, 854-1, 922-1, 923-1, 924-1, AND 925-1, BASED ON LACK OF DOCUMENTATION

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.
Las Vegas, NV 89101

Judge: Honorable Gary Spraker

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

14 1. I am over the age of 18 years and I am competent to make this declaration. I have
15 personal knowledge of the facts set forth herein, except for those facts stated on information and
16 belief and, as to those facts, I am informed and believe them to be true. If called as a witness, I
17 could and would testify as to the matters set forth below based upon my personal knowledge.
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1 2. I am the appointed Chapter 7 Trustee in the above-captioned bankruptcy case.

2 3. I make this declaration to support the *Trustee's Eighth Omnibus Objection To*
3 *Proofs Of Claim Pursuant To 11 U.S.C. § 502(B)(1) And Federal Rule Of Bankruptcy Procedure*
4 *3007—Claim Numbers 5-1, 19-1, 20-1, 24-1, 44-1, 45-1, 61-1, 64-1, 84-1, 109-1, 136-1, 142-1,*
5 *201-1, 290-1, 291-1, 293-1, 601-1, 660-1, 836-1, 854-1, 922-1, 923-1, 924-1, and 925-1, Based*
6 *Lack of Documentation (the “Objection”).*¹

7 4. On January 9, 2015 (the “Petition Date”), the Debtor filed a voluntary bankruptcy
8 pursuant to Chapter 7 of Title 11 of the United States Code [ECF No. 1]².

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

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

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

16 8. On February 27, 2015, the Court entered an *Order Granting Application for Order*
17 *Authorizing Employment of the Garden City Group, LLC As Claims and Noticing Agent* [ECF No.
18 128].

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

21 10. On September 30, 2015, Trustee Nelson filed a *Motion for (1) Turnover of Security*
22 *Deposits Held In Trust Account of McDonald Carano Wilson Pursuant to 11 U.S.C. § 542 and (2)*
23 *Authority to Administer Security Deposits Through the Debtor’s Bankruptcy Estate Pursuant to*
24 *11 U.S.C. § 105(a)* [ECF No. 181] (the “Turnover Motion”).

25 _____
26 ¹ Unless otherwise provided herein, all defined terms shall have the same meaning ascribed to
27 them in the Objection.

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

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

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

11 14. The Turnover Order provided that the security deposits held in the IOLTA
12 Account of counsel for the Debtor would be transferred to the Debtor’s bankruptcy estate and
13 administered pursuant to Section 726.

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

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

17 1. On February 1, 2015, Scott Korkosz filed a claim proof of claim, asserting an
18 unsecured claim of \$750.00, with no documentation provided. A true and correct copy of Claim
19 5-1 is attached hereto as **Exhibit “1”**.

20 2. On February 9, 2015, Juan and Jaymee Pelayo filed a claim claiming priority under
21 11 U.S.C. § 507(a)(7) in the amount of \$1,500.00 based on a rental security deposit. No
22 documentation was attached to the proof of claim. A true and correct copy of Claim 24-1 is
23 attached hereto as **Exhibit “2”**.

24 3. On February 10, 2015, Liyue Yang filed a claim proof of claim, asserting an
25 unsecured claim of \$5,297.00 with no documentation provided. A true and correct copy of Claim
26 19-1 is attached hereto as **Exhibit “3”**.

27 4. On February 10, 2015, Tzuman Pan filed a claim proof of claim, asserting an
28 unsecured claim of \$2,960.00 with no documentation provided. A true and correct copy of Claim

1 20-1 is attached hereto as **Exhibit “4”**.

2 5. On March 12, 2015, J-Green Realty, LLC filed a claim claiming priority under 11
3 U.S.C. § 507(a)(7) in the amount of \$2,350.00 based on a rental security deposit. No
4 documentation was attached to the proof of claim. A true and correct copy of Claim 84-1 is
5 attached hereto as **Exhibit “5”**.

6 6. On March 21, 2015, Dominic Li filed a claim claiming priority under 11 U.S.C. §
7 507(a)(7) in the amount of \$1,730.00 based on a rental security deposit. No documentation was
8 attached to the proof of claim. A true and correct copy of Claim 44-1 is attached hereto as **Exhibit**
9 **“6”**.

10 7. On March 22, 2015, Dominic Li filed a claim claiming priority under 11 U.S.C. §
11 507(a)(7) in the amount of \$1,730.00 based on a rental security deposit. No documentation was
12 attached to the proof of claim. A true and correct copy of Claim 45-1 is attached hereto as **Exhibit**
13 **“7”**.

14 8. On March 23, 2015, Viktoria Arizbell Pina Teran filed a claim claiming priority
15 under 11 U.S.C. § 507(a)(4) in the amount of \$440.00 based on unpaid wages. No documentation
16 was attached to the proof of claim. A true and correct copy of Claim 109-1 is attached hereto as
17 **Exhibit “8”**.

18 9. On April 7, 2015, Jung-Tsung Liu filed a claim for \$2,870.00 and claiming priority
19 under 11 U.S.C. § 507(a)(7) in the amount of \$1,435.00 based on a rental security deposit. No
20 documentation was attached to the proof of claim. A true and correct copy of Claim 136-1 is
21 attached hereto as **Exhibit “9”**.

22 10. On April 9, 2015, Thomas and Flora Smith filed a claim claiming priority under 11
23 U.S.C. § 507(a)(7) in the amount of \$1,395.00 based on a rental security deposit. No
24 documentation was attached to the proof of claim. A true and correct copy of Claim 142-1 is
25 attached hereto as **Exhibit “10”**.

26 11. On April 21, 2015, Tzuman Pan filed a claim proof of claim, asserting an
27 unsecured claim of \$2,960.00 with no documentation provided. A true and correct copy of Claim
28 201-1 is attached hereto as **Exhibit “11”**.

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1 12. On May 4, 2015, Yichao Huang filed a secured claim in the amount of \$6,854.11.
2 No documentation was attached to the proof of claim. A true and correct copy of Claim 290-1 is
3 attached hereto as **Exhibit "12"**.

4 13. On May 4, 2015, Yichao Huang filed an unsecured claim in the amount of
5 \$800.00. No documentation was attached to the proof of claim. A true and correct copy of Claim
6 291-1 is attached hereto as **Exhibit "13"**.

7 14. On May 5, 2015, Jeffrey Mathews filed an unsecured claim in the amount of
8 \$1,625.00. No documentation was attached to the proof of claim. A true and correct copy of
9 Claim 293-1 is attached hereto as **Exhibit "14"**.

10 15. On May 11, 2015, Hong Feng Hu filed a claim claiming priority under 11 U.S.C. §
11 507(a)(7) in the amount of \$1,875.00 based on a rental security deposit. No documentation was
12 attached to the proof of claim. A true and correct copy of Claim 601-1 is attached hereto as
13 **Exhibit "15"**.

14 16. On May 12, 2015, Gary Spica filed a claim claiming priority under 11 U.S.C. §
15 507(a)(7) in the amount of \$1,850.00 based on a rental security deposit. No documentation was
16 attached to the proof of claim. A true and correct copy of Claim 660-1 is attached hereto as
17 **Exhibit "16"**.

18 17. On May 13, 2015, Zhilong Tang filed a claim claiming priority under 11 U.S.C. §
19 507(a)(7) in the amount of \$4,400.00 based on a rental security deposit. No documentation was
20 attached to the proof of claim. A true and correct copy of Claim 61-1 is attached hereto as **Exhibit**
21 **"17"**.

22 18. On May 14, 2015, Li Guo filed a claim claiming priority under 11 U.S.C. §
23 507(a)(7) in the amount of \$1,000.00 based on a rental security deposit. No documentation was
24 attached to the proof of claim. A true and correct copy of Claim 836-1 is attached hereto as
25 **Exhibit "18"**.

26 19. On May 14, 2015, Victorina Kesselman filed a claim claiming priority under 11
27 U.S.C. § 507(a)(7) in the amount of \$1,550.00 based on a rental security deposit. No
28 documentation was attached to the proof of claim. A true and correct copy of Claim 854-1 is

1 attached hereto as **Exhibit “19”**.

2 20. On May 14, 2015, Nara Kazarian filed a claim claiming priority under 11 U.S.C. §
3 507(a)(7) in the amount of \$2,600.00 based on a rental security deposit. No documentation was
4 attached to the proof of claim. A true and correct copy of Claim 64-1 is attached hereto as **Exhibit**
5 **“20”**.

6 21. On May 18, 2015, Wenhao Qiao filed a claim claiming priority under 11 U.S.C. §
7 507(a)(7) in the amount of \$1,000.00 based on a rental security deposit. No documentation was
8 attached to the proof of claim. A true and correct copy of Claim 922-1 is attached hereto as
9 **Exhibit “21”**.

10 22. On May 19, 2015, Anthony Cruz and Suzette Cruz filed a claim claiming priority
11 under 11 U.S.C. § 507(a)(7) in the amount of \$3,495.00 based on a rental security deposit. No
12 documentation was attached to the proof of claim. A true and correct copy of Claim 923-1 is
13 attached hereto as **Exhibit “22”**.

14 23. On May 14, 2015, Deborah Campo filed an unsecured claim in the amount of
15 \$3,375.00 based on a rental security deposit. No documentation was attached to the proof of
16 claim. A true and correct copy of Claim 924-1 is attached hereto as **Exhibit “23”**.

17 24. On May 21, 2015, Jian Hua Wang filed an unsecured claim in the amount of
18 \$1,300.00 based on a rental security deposit. No documentation was attached to the proof of
19 claim. A true and correct copy of Claim 925-1 is attached hereto as **Exhibit “24”**.

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

23 18. The Joinder Order allows me to object to multiple proofs of claim in a single
24 objection when the legal theory underpinning the objection is identical.

25 19. Each of the above referenced proofs of claim was timely filed.

26 20. Each of the above referenced proofs of claim failed to attach documentation as
27 required by FRBP 3001(c)(1).

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21. As a result, I cannot determine that these claims are enforceable against the estate.

22. I now seek an order disallowing these claims.

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

Dated this 13th day of August, 2020.


Shelley D. Krohn, Chapter 7 Trustee

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