

*Electronically Filed On: August 18, 2020*

Jacob L. Houmand, Esq. (NV Bar No. 12781)  
Email: jhoumand@houmandlaw.com  
Bradley G. Sims, Esq. (NV Bar No. 11713)  
Email: bsims@houmandlaw.com  
HOUMAND LAW FIRM, LTD.  
9205 West Russell Road, Building 3, Suite 240  
Las Vegas, NV 89148  
Telephone: 702/720-3370  
Facsimile: 702/720-3371

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

**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 TWELFTH OMNIBUS  
OBJECTION TO PROOFS OF CLAIM  
PURSUANT TO 11 U.S.C. § 502(b)(1) AND  
FEDERAL RULE OF BANKRUPTCY  
PROCEDURE 3007—CLAIM NUMBERS  
100-1, 120-1, 197-1, 299-1, 582-1, 601-1, 667-  
1,714-1, 926-1 AND 932-1 – DUPLICATE  
CLAIMS**

Date of Hearing: October 1, 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 <sup>1</sup>

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 Twelfth*

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

**HOUMAND LAW FIRM, LTD.**  
9205 West Russell Road, Building 3, Suite 240 Las Vegas, NV 89148  
Telephone: (702) 720-3370 Facsimile: (702) 720-3371

**HOUAMAND LAW FIRM, LTD.**  
9205 West Russell Road, Building 3, Suite 240 Las Vegas, NV 89148  
Telephone: (702) 720-3370 Facsimile: (702) 720-3371

1 *Omnibus Objection To Proofs Of Claim Pursuant To 11 U.S.C. § 502(b)(1) and Federal Rule of*  
2 *Bankruptcy Procedure 3007—Claim 100-1, 120-1, 197-1, 299-1, 582-1, 601-1, 667-1,714-1, 926-*  
3 *, and 932-1 – Duplicate Claims (the “Objection”).*

4 The Objection is based on the following Memorandum of Points and Authorities and the  
5 *Declaration of Shelley D. Krohn In Support of Trustee’s Twelfth Omnibus Objection To Proofs*  
6 *Of Claim Pursuant To 11 U.S.C. § 502(b)(1) and Federal Rule of Bankruptcy Procedure 3007—*  
7 *Claim 100-1, 120-1, 197-1, 299-1, 582-1, 601-1, 667-1,714-1, 926-1 and 932-1 – Duplicate*  
8 *Claims (the “Trustee Declaration”), which is filed separately and concurrently with this Court*  
9 *pursuant to Local Rule 9014(c)(2). The Objection is also based on the pleadings and papers on*  
10 *file herein, and any argument that may be entertained at the hearing on the Objection.<sup>2</sup>*

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

13 **MEMORANDUM OF POINTS AND AUTHORITIES**

14 **I. INTRODUCTION**

15 Ameri-Dream Realty, LLC (the “Debtor”) was a real estate brokerage firm that  
16 represented clients in the purchase and sale of real property throughout Clark County, Nevada.  
17 The Debtor also had a property management division that managed over one thousand real  
18 properties located throughout the valley. As part of its property management division, the Debtor  
19 executed real property management agreements (collectively, the “Property Management  
20 Agreements”) with landowners whereby the Debtor agreed to perform various services including:  
21 (a) the monthly collection of rents from tenants, (b) payment of Homeowner Association fees, (c)  
22 the general repair and maintenance of the properties at issue, and (d) the segregation of security  
23 deposits (the “Security Deposits”) pursuant to Nevada Revised Statute (“N.R.S.”) Chapter 645.  
24 Despite the fact that the Debtor was required to maintain the Security Deposits in a segregated  
25 trust account for the benefit of the various landowners and tenants (the “Security Deposit Trust  
26 \_\_\_\_\_

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

**HOUAMAND LAW FIRM, L.TD.**  
9205 West Russell Road, Building 3, Suite 240 Las Vegas, NV 89148  
Telephone: (702) 720-3370 Facsimile: (702) 720-3371

1 Account”), the Trustee is informed and believes that the spouse of the Debtor’s principal, John  
2 Brown, embezzled approximately One Million One Hundred Thousand Dollars (\$1,100,000) of  
3 the Security Deposits. As a result, there was an insufficient balance in the Security Deposit trust  
4 account at the time of the Debtor’s bankruptcy filing to cover the full amount of the Security  
5 Deposits that are required to be segregated pursuant to the Property Management Agreements.

6 Since the Debtor’s bankruptcy case was classified as a “mega case” due to the number of  
7 creditors, the Trustee employed Garden City Group, LLC (“GCG”) to act as claims administrator.  
8 Since its employment, GCG has been maintaining providing notice to creditors and parties-in-  
9 interest when required by the notice procedures under FRBP 2002, as modified by this Court<sup>3</sup>,  
10 and collecting and maintaining the proofs of claim that have been filed in the Debtor’s bankruptcy  
11 case. After conducting a thorough review of the approximately 970 proofs of claim that have been  
12 filed, the Trustee has determined that various proofs of claim have been which are duplicates of  
13 previously filed claims. The Trustee now seeks an order disallowing the duplicate claims.

14 **II. JURISDICTION AND VENUE**

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

23 ...

24 ...

25 ...

26 \_\_\_\_\_  
27 <sup>3</sup> On February 20, 2015, the Court entered an *Order Granting Application for Order Limiting*  
28 *Notice and Memorandum of Points and Authorities In Support Thereof* [ECF No. 121], which  
allowed the Trustee to only serve the parties on an “Official Service List” when notice was  
otherwise required to be given to all creditors, including under FRBP 2002(a), (b), and (f).



**HOUAMAND LAW FIRM, L.TD.**  
9205 West Russell Road, Building 3, Suite 240 Las Vegas, NV 89148  
Telephone: (702) 720-3370 Facsimile: (702) 720-3371

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

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

6           6.       Since its employment, GCG has been maintaining the Proofs of Claim that have  
7 been submitted by creditors.

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

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

11           9.       On February 19, 2015, Wen Chun Wang filed a claim claiming priority under 11  
12 U.S.C. § 507(a)(7) in the amount of \$1,300.00 based on a rental security deposit for real property  
13 described as 8220 Shaded Arbors St., Las Vegas, NV 89139. A true and correct copy of Claim  
14 35-1 is attached to the Trustee Declaration as **Exhibit “1”**. On April 20, 2015, Wen Chun Wang  
15 filed another claim claiming priority under 11 U.S.C. § 507(a)(7) in the amount of \$1,300.00  
16 based on deposit toward purchase, lease or rental of property described as 8220 Shaded Arbors  
17 St., Las Vegas, NV 89139. A true and correct copy of Claim 197-1 is attached to the Trustee  
18 Declaration as **Exhibit “2”**.

19           10.      On February 22, 2015, Elaine Ng filed a claim claiming priority under 11 U.S.C. §  
20 507(a)(7) in the amount of \$1,325.00 based on a rental security deposit. A true and correct copy  
21 of Claim 39-1 is attached to the Trustee Declaration as **Exhibit “3”**. On May 12, 2015, Elaine Ng  
22 filed a claim claiming priority under 11 U.S.C. § 507(a)(7) in the amount of \$1,325.00 based on  
23 deposit toward purchase, lease or rental of property. A true and correct copy of Claim 667-1 is  
24 attached to the Trustee Declaration as **Exhibit “4”**.

25           11.      On May 5, 2015, Hong Feng Hu filed a claim claiming priority under 11 U.S.C. §  
26 507(a)(7) in the amount of \$1,875.00 based on deposit toward purchase, lease or rental of  
27 property. A true and correct copy of Claim 295-1 is attached to the Trustee Declaration as **Exhibit**  
28 **“5”**. On May 11, 2015, Hong Feng Hu filed a claim claiming priority under 11 U.S.C. § 507(a)(7)

**HOUAMAND LAW FIRM, LTD.**  
9205 West Russell Road, Building 3, Suite 240 Las Vegas, NV 89148  
Telephone: (702) 720-3370 Facsimile: (702) 720-3371

1 in the amount of \$1,875.00 based on deposit toward purchase, lease or rental of property. A true  
2 and correct copy of Claim 601-1 is attached to the Trustee Declaration as **Exhibit “6”**.

3 12. On March 20, 2015, Mark J. Aguilar filed a claim claiming priority under 11  
4 U.S.C. § 507(a)(7) in the amount of \$3,400.00 based on a rental security deposit for real property  
5 described as 6129 Kinderhook Ct., North Las Vegas, NV 89081. A true and correct copy of Claim  
6 99-1 is attached to the Trustee Declaration as **Exhibit “7”**. On March 20, 2015, Esther Aguilar  
7 filed a claim claiming priority under 11 U.S.C. § 507(a)(7) in the amount of \$3,400.00 based on a  
8 rental security deposit for real property described as 6129 Kinderhook Ct., North Las Vegas, NV  
9 89081. A true and correct copy of Claim 100-1 is attached to the Trustee Declaration as **Exhibit**  
10 **“8”**.

11 13. On March 30, 2015, Gary Hawkins filed a claim asserting in the amount of  
12 \$1,450.00 based on a security deposit for real property described as 189 Belmont Canyon Place,  
13 Las Vegas, NV 89015. An attached lease agreement lists Yafei Zhu and Gary Hawkins as  
14 landlord and Reynold & Racquel Ines as tenants. A true and correct copy of Claim 117-1 is  
15 attached to the Trustee Declaration as **Exhibit “9”**. On March 30, 2015, Gary Hawkins filed a  
16 second claim asserting in the amount of \$1,450.00 based on a security deposit for real property  
17 described as 189 Belmont Canyon Place, Las Vegas, NV 89015. An attached lease agreement lists  
18 Yafei Zhu and Gary Hawkins as landlord and Reynold & Racquel Ines as tenants. A true and  
19 correct copy of Claim 120-1 is attached to the Trustee Declaration as **Exhibit “10”**.

20 14. On April 17, 2015, Don Wolff filed an unsecured claim in the amount of \$1095.00.  
21 On February 17, 2017, Don Wolf filed a second unsecured claim in the amount of \$1,095.00. A  
22 true and correct copies of Claims 173-1 and 932-1 are attached to the Trustee Declaration as  
23 **Exhibit “11”** and **Exhibit “12”**, respectively.

24 15. On May 5, 2015, Roland and Joan Lau filed a claim claiming priority under 11  
25 U.S.C. § 507(a)(7) in the amount of \$1,990.00 based on deposit toward purchase, lease or rental  
26 of real property described as 9795 Iron Ore St., La Vegas, NV 89123. A true and correct copy of  
27 Claim 298-1 is attached to the Trustee Declaration as **Exhibit “13”** On May 5, 2015, Roland and  
28 Joan Lau filed a claim claiming priority under 11 U.S.C. § 507(a)(7) in the amount of \$2,550.00

**HOUAMAND LAW FIRM, LTD.**  
9205 West Russell Road, Building 3, Suite 240 Las Vegas, NV 89148  
Telephone: (702) 720-3370 Facsimile: (702) 720-3371

1 based on deposit toward purchase, lease or rental of real property described as 9795 Iron Ore St.,  
2 La Vegas, NV 89123. A true and correct copy of Claim 299-1 is attached to the Trustee  
3 Declaration as **Exhibit “14”**.

4 16. On May 11, 2015, Jun-Fang Zhou filed a claim claiming priority under 11 U.S.C. §  
5 507(a)(7) in the amount of \$1,825.00 based on deposit toward purchase, lease or rental of real  
6 property described as 4560 Flaming Ridge, Las Vegas, NV 89147. An attached lease agreement  
7 lists Jun-Fang Zhou as landlord and Luwona R. Gonzales and Michael Anthony SR Damm as  
8 tenants. A true and correct copy of Claim 581-1 is attached to the Trustee Declaration as **Exhibit**  
9 **“15”**. On May 11, 2015, Jun-Fang Zhou filed a second claim claiming priority under 11 U.S.C. §  
10 507(a)(7) in the amount of \$1,825.00 based on deposit toward purchase, lease or rental of real  
11 property described as 4560 Flaming Ridge, Las Vegas, NV 89147. An attached lease agreement  
12 lists Jun-Fang Zhou as landlord and Luwona R. Gonzales and Michael Anthony SR Damm as  
13 tenants. A true and correct copy of Claim 582-1 is attached to the Trustee Declaration as **Exhibit**  
14 **“16”**.

15 17. On May 12, 2015, Phung Kim Nguyen and Kiet Tran filed a claim claiming  
16 priority under 11 U.S.C. § 507(a)(7) in the amount of \$1,450.00 based on deposit toward  
17 purchase, lease or rental of real property described as 3778 Crest Horn Dr., Las Vegas, NV  
18 89147. A true and correct copy of Claim 700-1 is attached to the Trustee Declaration as **Exhibit**  
19 **“17”**. On May 12, 2015, Phung Kim Nguyen and Kiet Tran filed a second claim claiming priority  
20 under 11 U.S.C. § 507(a)(7) in the amount of \$1,410.00 based on deposit toward purchase, lease  
21 or rental of real property described as 3778 Crest Horn Dr., Las Vegas, NV 89147. A true and  
22 correct copy of Claim 714-1 is attached to the Trustee Declaration as **Exhibit “18”**.

23 18. On May 14, 2015, M. Esperanza Palaez filed a claim claiming priority under 11  
24 U.S.C. § 507(a)(4) in the amount of \$4,992.99. A true and correct copy of Claim 917-1 is attached  
25 to the Trustee Declaration as **Exhibit “19”**. On June 2, 2015, Maria Esperanza Peleaz filed a  
26 second claim claiming priority under 11 U.S.C. § 507(a)(4) in the amount of \$4,992.00 based on a  
27 real estate commission. A true and correct copy of Claim 926-1 is attached to the Trustee  
28 Declaration as **Exhibit “20”**.





1 preponderance of the evidence). Accordingly, to be entitled to prima facie validity of a claim, a  
 2 proof of claim must set forth all necessary facts to establish the claim. *Wright*, 931 F.2d at 623.  
 3 Furthermore, the ultimate burden is always on the claimant, and a claim must be denied if the  
 4 claimant cannot carry this burden after an objection showing facts tending to defeat the claim. *Id.*  
 5 If the objector produces sufficient evidence to negate one or more of the sworn facts in the proof  
 6 of claim, the burden reverts to the claimant to prove the validity of the claim by a preponderance  
 7 of the evidence. *See Lundell*, 223 F.3d at 1039 (citations omitted).

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

19 **B. The Above Referenced Claims Should be Disallowed as Duplicate Claims.**

20 Section 502(b) provides several grounds upon which a party can object to a proof of  
 21 claim, including if “such claim is unenforceable against the debtor and property of the debtor,  
 22 under any agreement or applicable law for a reason other than because such claim is contingent or  
 23 unmatured.” *See* 11 U.S.C. § 502(b)(1). FRBP 3007(d)(1) provides support to the proposition  
 24 that duplicate proofs of claim should be opposed by permitting a party to file an omnibus  
 25 objection to proofs of claim if they are duplicate proofs of claim. *See* FED. R. BANKR. P.  
 26 3007(d)(1).

27 Here, the claims in question should be disallowed in their entirety because they are  
 28 duplicates of previously filed claims. Allowing the claimants to receive a distribution on the

1 duplicate proofs of claim will prejudice the Debtor's creditors because it would permit the  
2 claimants to receive a double recovery. For these reasons, the Court should sustain the Objection  
3 and disallow the requested claims.

4 **V. CONCLUSION**

5 For the foregoing reasons, the Trustee respectfully requests that the Court enter an order:  
6 (i) sustaining the Objections to claim numbers 100-1, 120-1, 197-1, 299-1, 582-1, 601-1, 667-  
7 1,714-1, 926-1, and 932-1; and (ii) for such other and further relief as is just and proper.

8 Dated this 18th day of August, 2020.

9 **HOUMAND LAW FIRM, LTD.**

10  
11 By: /s/ Bradley G. Sims, Esq.  
12 Jacob L. Houmand, Esq. (NV Bar No. 12781)  
13 Bradley G. Sims, Esq. (NV Bar No. 11713)  
14 9205 West Russell Road, Building 3, Suite 240  
15 Las Vegas, NV 89148  
16 Telephone: 702/720-3370  
17 Facsimile: 702/720-3371

18  
19 *Counsel for Shelley D. Krohn, Chapter 7 Trustee*  
20  
21  
22  
23  
24  
25  
26  
27  
28

**HOUMAND LAW FIRM, LTD.**  
9205 West Russell Road, Building 3, Suite 240 Las Vegas, NV 89148  
Telephone: (702) 720-3370 Facsimile: (702) 720-3371