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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 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

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

24 1. I am over the age of 18 years and I am competent to make this declaration. I have
25 personal knowledge of the facts set forth herein, except for those facts stated on information and
26 belief and, as to those facts, I am informed and believe them to be true. If called as a witness, I
27 could and would testify as to the matters set forth below based upon my personal knowledge.

28 ...

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- 1 2. I am the appointed Chapter 7 Trustee in the above-captioned bankruptcy case.¹
- 2 3. I make this declaration to support the *Trustee’s Twelfth 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 100-1, 120-1, 197-1, 299-1, 582-1, 601-1, 667-1,714-1, 926-, and 932-1 – Duplicate*
- 5 *Claims* (the “Objection”).²
- 6 4. On January 9, 2015 (the “Petition Date”), the Debtor filed a voluntary bankruptcy
- 7 pursuant to Chapter 7 of Title 11 of the United States Code [ECF No. 1]³.
- 8 5. On January 9, 2015, Victoria L. Nelson (“Trustee Nelson”) was appointed as the
- 9 Chapter 7 Trustee in the Debtor’s bankruptcy case [ECF No. 4].
- 10 6. On January 28, 2015, the Court entered an *Amended Notice of Chapter 7*
- 11 *Bankruptcy Case* [ECF No. 12] that established May 14, 2015, as the deadline for creditors to file
- 12 proofs of claim.
- 13 7. On February 9, 2015, Trustee Nelson filed an *Application for Order Authorizing*
- 14 *Employment of the Garden City Group, LLC As Claims and Noticing Agent* [ECF No. 88].
- 15 8. On February 27, 2015, the Court entered an *Order Granting Application for Order*
- 16 *Authorizing Employment of the Garden City Group, LLC As Claims and Noticing Agent* [ECF No.
- 17 128].
- 18 9. Since its employment, GCG has been maintaining the Proofs of Claim that have
- 19 been submitted by creditors.
- 20 10. On September 30, 2015, Trustee Nelson filed a *Motion for (1) Turnover of Security*
- 21 *Deposits Held In Trust Account of McDonald Carano Wilson Pursuant to 11 U.S.C. § 542 and (2)*

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”.

² Unless otherwise provided herein, all defined terms shall have the same meaning ascribed to them in the Objection.

³ 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.

1 *Authority to Administer Security Deposits Through the Debtor's Bankruptcy Estate Pursuant to*
2 *11 U.S.C. § 105(a)* [ECF No. 181] (the "Turnover Motion").

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

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

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

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

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

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

19 17. On February 19, 2015, Wen Chun Wang filed a claim claiming priority under 11
20 U.S.C. § 507(a)(7) in the amount of \$1,300.00 based on a rental security deposit for real property
21 described as 8220 Shaded Arbors St., Las Vegas, NV 89139. A true and correct copy of Claim
22 35-1 is attached hereto as **Exhibit "1"**. On April 20, 2015, Wen Chun Wang filed another claim
23 claiming priority under 11 U.S.C. § 507(a)(7) in the amount of \$1,300.00 based on deposit toward
24 purchase, lease or rental of property described as 8220 Shaded Arbors St., Las Vegas, NV 89139.
25 A true and correct copy of Claim 197-1 is attached hereto as **Exhibit "2"**.

26 18. On February 22, 2015, Elaine Ng filed a claim claiming priority under 11 U.S.C. §
27 507(a)(7) in the amount of \$1,325.00 based on a rental security deposit. A true and correct copy
28 of Claim 39-1 is attached hereto as **Exhibit "3"**. On May 12, 2015, Elaine Ng filed a claim

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1 claiming priority under 11 U.S.C. § 507(a)(7) in the amount of \$1,325.00 based on deposit toward
2 purchase, lease or rental of property. A true and correct copy of Claim 667-1 is attached hereto as
3 **Exhibit “4”**.

4 19. On May 5, 2015, Hong Feng Hu filed a claim claiming priority under 11 U.S.C. §
5 507(a)(7) in the amount of \$1,875.00 based on deposit toward purchase, lease or rental of
6 property. A true and correct copy of Claim 295-1 is attached hereto as **Exhibit “5”**. On May 11,
7 2015, Hong Feng Hu filed a claim claiming priority under 11 U.S.C. § 507(a)(7) in the amount of
8 \$1,875.00 based on deposit toward purchase, lease or rental of property. A true and correct copy
9 of Claim 601-1 is attached hereto as **Exhibit “6”**.

10 20. On March 20, 2015, Mark J. Aguilar filed a claim claiming priority under 11
11 U.S.C. § 507(a)(7) in the amount of \$3,400.00 based on a rental security deposit for real property
12 described as 6129 Kinderhook Ct., North Las Vegas, NV 89081. A true and correct copy of Claim
13 99-1 is attached hereto as **Exhibit “7”**. On March 20, 2015, Esther Aguilar filed a claim claiming
14 priority under 11 U.S.C. § 507(a)(7) in the amount of \$3,400.00 based on a rental security deposit
15 for real property described as 6129 Kinderhook Ct., North Las Vegas, NV 89081. A true and
16 correct copy of Claim 100-1 is attached hereto as **Exhibit “8”**.

17 21. On March 30, 2015, Gary Hawkins filed a claim asserting in the amount of
18 \$1,450.00 based on a security deposit for real property described as 189 Belmont Canyon Place,
19 Las Vegas, NV 89015. An attached lease agreement lists Yafei Zhu and Gary Hawkins as
20 landlord and Reynold & Racquel Ines as tenants. A true and correct copy of Claim 117-1 is
21 attached hereto as **Exhibit “9”**. On March 30, 2015, Gary Hawkins filed a second claim asserting
22 in the amount of \$1,450.00 based on a security deposit for real property described as 189 Belmont
23 Canyon Place, Las Vegas, NV 89015. An attached lease agreement lists Yafei Zhu and Gary
24 Hawkins as landlord and Reynold & Racquel Ines as tenants. A true and correct copy of Claim
25 120-1 is attached hereto as **Exhibit “10”**.

26 22. On April 17, 2015, Don Wolff filed an unsecured claim in the amount of \$1095.00.
27 On February 17, 2017, Don Wolf filed a second unsecured claim in the amount of \$1,095.00. A
28 true and correct copies of Claims 173-1 and 932-1 are attached hereto as **Exhibit “11”** and

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1 **Exhibit “12”**, respectively.

2 23. On May 5, 2015, Roland and Joan Lau filed a claim claiming priority under 11
3 U.S.C. § 507(a)(7) in the amount of \$1,990.00 based on deposit toward purchase, lease or rental
4 of real property described as 9795 Iron Ore St., La Vegas, NV 89123. A true and correct copy of
5 Claim 298-1 is attached hereto as **Exhibit “13”** On May 5, 2015, Roland and Joan Lau filed a
6 claim claiming priority under 11 U.S.C. § 507(a)(7) in the amount of \$2,550.00 based on deposit
7 toward purchase, lease or rental of real property described as 9795 Iron Ore St., La Vegas, NV
8 89123. A true and correct copy of Claim 299-1 is attached hereto as **Exhibit “14”**.

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

19 25. On May 12, 2015, Phung Kim Nguyen and Kiet Tran filed a claim claiming
20 priority under 11 U.S.C. § 507(a)(7) in the amount of \$1,450.00 based on deposit toward
21 purchase, lease or rental of real property described as 3778 Crest Horn Dr., Las Vegas, NV
22 89147. A true and correct copy of Claim 700-1 is attached hereto as **Exhibit “17”**. On May 12,
23 2015, Phung Kim Nguyen and Kiet Tran filed a second claim claiming priority under 11 U.S.C. §
24 507(a)(7) in the amount of \$1,410.00 based on deposit toward purchase, lease or rental of real
25 property described as 3778 Crest Horn Dr., Las Vegas, NV 89147. A true and correct copy of
26 Claim 714-1 is attached hereto as **Exhibit “18”**.

27 26. On May 14, 2015, M. Esperanza Palaez filed a claim claiming priority under 11
28 U.S.C. § 507(a)(4) in the amount of \$4,992.99. A true and correct copy of Claim 917-1 is attached

1 hereto as **Exhibit "19"**. On June 2, 2015, Maria Esperanza Peleaz filed a second claim claiming
2 priority under 11 U.S.C. § 507(a)(4) in the amount of \$4,992.00 based on a real estate
3 commission. A true and correct copy of Claim 926-1 is attached hereto as **Exhibit "20"**.

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


7 28. The Joinder Order allows the Trustee to object to multiple proofs of claim in a
8 single objection when the legal theory underpinning the objection is identical.

9 29. Each of the above referenced proofs of claim represents a duplicate of a timely
10 filed proof of claim.

11 30. I now seek an order disallowing the above referenced claims as duplicate claims.

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

14 Dated this 18 day of August, 2020.

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16 _____
17 Shelley D. Krohn, Chapter 7 Trustee

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