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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
OBJECTION TO PROOF OF CLAIM 98-1
PURSUANT TO 11 U.S.C. § 502(b)(1) AND
FEDERAL RULE OF BANKRUPTCY
PROCEDURE 3007**

Date of Hearing: September 23, 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

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

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

26 _____
27 ¹ Unless otherwise indicated, all chapter and section references are to the Bankruptcy Code, 11
28 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

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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 Objection To Proof Of Claim 98-1*
3 *Pursuant To 11 U.S.C. § 502(B)(1) And Federal Rule Of Bankruptcy Procedure 3007* (the
4 *“Objection”*).²

5 4. On January 9, 2015 (the *“Petition Date”*), the Debtor filed a voluntary bankruptcy
6 pursuant to Chapter 7 of Title 11 of the United States Code [ECF No. 1]³.

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

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

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

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

17 9. Since its employment, GCG has been maintaining the Proofs of Claim that have
18 been submitted by creditors.

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

24 Bankruptcy Procedure will be referred to as “FRBP.” The Local Rules of Practice for the United
25 States Bankruptcy Court for the District of Nevada shall be referred to as the “Local Rules”.

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

28 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.

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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 17. On March 20, 2015, Graig Couton filed a claim in the amount of \$1,275.00, with a
18 secured claim in the amount of \$1275.00, and a priority claim of \$1,275.00 arising out of deposit
19 toward purchase, lease or rental of property. A true and correct copy of Claim 98-1 is attached
20 hereto as **Exhibit “1”**.

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18. I now seek an order disallowing the secured portion of claim 98-1.

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

Dated this 18th day of August, 2020.



Shelley D. Krohn, Chapter 7 Trustee

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