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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 857-1 PURSUANT TO 11 U.S.C. § 502(b)(1) AND FEDERAL RULE OF BANKRUPTCY PROCEDURE 3007

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 ¹

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

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26 ¹ Unless otherwise indicated, all chapter and section references are to the Bankruptcy Code, 11
27 U.S.C. §§ 101-1532, and to the Federal Rules of Bankruptcy Procedure, Rules 1001-9037. The
28 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 could and would testify as to the matters set forth below based upon my personal knowledge.

2 2. I am the appointed Chapter 7 Trustee in the above-captioned bankruptcy case.

3 3. I make this declaration to support the *Trustee’s Objection to Proof Of Claim 857-1*
4 *Pursuant to 11 U.S.C. § 502(b)(1) and Federal Rule of Bankruptcy Procedure 3007* (the
5 *“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, Garden City Group, LLC (*“GCG”*) has been maintaining
19 the Proofs of Claim that have 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)*
22 *Authority to Administer Security Deposits Through the Debtor’s Bankruptcy Estate Pursuant to*
23 *11 U.S.C. § 105(a)* [ECF No. 181] (the *“Turnover Motion”*).

24 ...

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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. May 14, 2015, Vincent Godino and Maria Godino filed a claim in the amount of
18 \$10,000.00 based on personal injury and a security deposit for rental of real property described as
19 9000 Moss Creek, Las Vegas, NV 89117. An attached lease agreement lists Karen Feng as
20 landlord and Vincent Godino and Maria Godino as tenants. On May 1, 2015, Karen Feng filed a
21 separate claim claiming priority under 11 U.S.C. § 507(a)(7) in the amount of \$3,000.00 based on
22 deposit toward purchase, lease or rental of real property described as 9000 Moss Creek, Las
23 Vegas, NV 89117. An attached lease agreement lists Keran Feng as landlord and Vincent Godino
24 and Maria Godino as tenants. A true and correct copy of Claims 857-1 and 248-1 are attached to
25 the Trustee Declaration as Exhibit “1” and Exhibit “2”, respectively.

26 18. The above referenced proof of claim is based upon a security deposit for lease or
27 rental of real property and personal injury for mold contamination of real property.


28 ...

1 19. To the degree claim 857-1 asserts a claim based upon a security deposit for lease
2 or rental of real property, that claim is a duplicate of claim 248-1.

3 20. To the degree that claim 857-1 asserts a claim for personal based on mold
4 contamination of real property, there is no evidence that the Debtor is liable to the Claimants for
5 the condition of the subject property. The Debtor was merely an agent of the owner of the subject
6 property, and the Claimants provided no documentation of any enforceable claim against the
7 Debtor.

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

10 Dated this 18 day of August, 2020.

11 
12 _____
13 Shelley D. Krohn, Chapter 7 Trustee

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