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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 THIRTEENTH OMNIBUS OBJECTION TO PROOFS OF CLAIM PURSUANT TO 11 U.S.C. § 502(b)(1) AND FEDERAL RULE OF BANKRUPTCY PROCEDURE 3007—CLAIM NUMBERS 919-1, 920-1, 927-1, 928-1, AND 931-1 – LATE FILED 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.

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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 Thirteenth 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 919-1, 920-1, 927-1, 928-1, and 931-1 – Late Filed Proofs of Claim (the*
5 *“Objection”).The Objection is based on the following Memorandum of Points and Authorities*
6 *and the Declaration of Shelley D. Krohn In Support of Trustee's Thirteenth Omnibus Objection*
7 *To Proofs Of Claim Pursuant To 11 U.S.C. § 502(B)(1) And Federal Rule Of Bankruptcy*
8 *Procedure 3007—Claim Numbers 919-1, 920-1, 927-1, 928-1, and 931-1 – Late Filed Proofs of*
9 *Claim (the “Objection”).*²

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

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

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

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

19 8. On February 27, 2015, the Court entered an *Order Granting Application for Order*
20 *Authorizing Employment of the Garden City Group, LLC As Claims and Noticing Agent* [ECF No.
21 128].

22
23 ¹ Unless otherwise indicated, all chapter and section references are to the Bankruptcy Code, 11
24 U.S.C. §§ 101-1532, and to the Federal Rules of Bankruptcy Procedure, Rules 1001-9037. The
25 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”.

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

3 10. On September 30, 2015, Trustee Nelson filed a *Motion for (1) Turnover of Security*
4 *Deposits Held In Trust Account of McDonald Carano Wilson Pursuant to 11 U.S.C. § 542 and (2)*
5 *Authority to Administer Security Deposits Through the Debtor's Bankruptcy Estate Pursuant to*
6 *11 U.S.C. § 105(a)* [ECF No. 181] (the "Turnover Motion").

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

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

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

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

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

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

23 17. On May 18, 2015, Bao Wen Qi filed a claim claiming priority under 11 U.S.C. §
24 507(a)(7) in the amount of \$1,150.00 based on a rental security deposit. A true and correct copy
25 of Claim 919-1 is attached hereto as **Exhibit "1"**.

26 18. On May 18, 2015, Lirong Chiu filed a claim claiming priority under 11 U.S.C. §
27 507(a)(7) in the amount of \$1,975.00 based on a rental security deposit. A true and correct copy
28 of Claim 920-1 is attached hereto as **Exhibit "2"**.

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19. On June 2, 2015, Ernest Fleming III filed a claim claiming priority under 11 U.S.C. § 507(a)(7) in the amount of \$1,880.00 based on a rental security deposit. A true and correct copy of Claim 927-1 is attached hereto as **Exhibit “3”**.

20. On June 11, 2015, Zhuo Yun Guan filed a claim claiming priority under 11 U.S.C. § 507(a)(7) in the amount of \$2,150.00 based on a rental security deposit. A true and correct copy of Claim 928-1 is attached hereto as **Exhibit “4”**.

21. On February 12, 2016, Frank and Joy Pensado filed a claim claiming priority under 11 U.S.C. § 507(a)(7) in the amount of \$2,500.00 based on a rental security deposit. A true and correct copy of Claim 931-1 is attached hereto as **Exhibit “5”**.

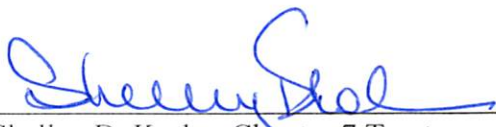
22. On February 10, 2020, the Court entered an *Order Granting Ex Parte Motion to Permit the Joinder of Objections to Proofs of Claim Pursuant to Federal Rule of Bankruptcy Procedure 3007(c)* (the “Joinder Order”) [ECF No. 306].

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

24. Each of the above referenced proofs of claim was late filed.

25. Accordingly, I now seek an order finding that the above referenced claims are entitled only to receive a distribution pursuant to 11 U.S.C. § 726(a)(3). I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Dated this 18 day of August, 2020.



Shelley D. Krohn, Chapter 7 Trustee