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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 FOURTEENTH OMNIBUS OBJECTION TO PROOFS OF CLAIM PURSUANT TO 11 U.S.C. § 502(b)(1) AND FEDERAL RULE OF BANKRUPTCY PROCEDURE 3007—CLAIM NUMBERS 82-2, 105-1, 108-1, 493-1, 677-1, 678-1, and 856-1 BASED ON IMPROPER ASSERTION OF A PRIORITY CLAIM BY AN INDEPENDENT CONTRACTOR

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

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

25 1. I am over the age of 18 years and I am competent to make this declaration. I have
26 personal knowledge of the facts set forth herein, except for those facts stated on information and
27 belief and, as to those facts, I am informed and believe them to be true. If called as a witness, I
28 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 Fourteenth 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 82-2, 105-1, 108-1, 493-1, 677-1, 678-1, and 856-1 Based On Improper*
5 *Assertion Of A Priority Claim by an Independent Contractor* (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, 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
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 *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 October 19, 2015, AMA AIR CORP filed an amended proof of claim claiming
20 priority claim under 11 U.S.C. § 507(a)(4) in the amount of \$3,352.71 based on “services
21 performed.” The amended proof of claim includes a number of invoices for various repair work
22 performed for the Debtor. A true and correct copy of Claim 82-2 is attached hereto as **Exhibit**
23 **“1”**.

24 18. On March 21, 2015, Aloma Handyman Services filed a proof of claim claiming
25 priority claim under 11 U.S.C. § 507(a)(4) in the amount of \$1,915.00. The proof of claim
26 includes a number of invoices for various repair work performed for the Debtor. A true and
27 correct copy of Claim 105-1 is attached hereto as **Exhibit “2”**.

28 ...

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1 19. On March 23, 2015, Norma Yolanda Teran Montejano filed a proof of claim
2 claiming priority claim under 11 U.S.C. § 507(a)(4) in the amount of \$312.50 for “office
3 cleaning.” The proof of claim includes an invoice for cleaning work performed for the Debtor. A
4 true and correct copy of Claim 108-1 is attached hereto as **Exhibit “3”**.

5 20. On May 8, 2015, F & R Home Maintenance & Services, Inc. filed a proof of claim
6 claiming priority claim under an unspecified subsection of 11 U.S.C. § 507 in the amount of
7 \$4,925.00. The proof of claim includes a number of invoices for various repair work performed
8 for the Debtor. A true and correct copy of Claim 493-1 is attached hereto as **Exhibit “4”**.

9 21. On May 12, 2015, Joe He, Inc. filed a proof of claim claiming priority claim under
10 11 U.S.C. § 507(a)(7) in the amount of \$550.00 based on unpaid repair invoices. A true and
11 correct copy of Claim 677-1 is attached hereto as **Exhibit “5”**.

12 22. On May 12, 2015, Diego Diaz filed a proof of claim claiming priority claim under
13 11 U.S.C. § 507(a)(7) in the amount of \$550.00 based on unpaid repair invoices. A true and
14 correct copy of Claim 678-1 is attached hereto as **Exhibit “6”**.

15 23. On May 31, 2015, Jennifer Delman filed a proof of claim claiming priority claim
16 under 11 U.S.C. § 507(a)(7) in the amount of \$6,201.90 based on property management fees. A
17 true and correct copy of Claim 856-1 is attached hereto as **Exhibit “7”**.

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

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

23 26. Each of the above referenced proofs of claim was timely filed.

24 27. Each of the above referenced proofs of claim assert a priority claim based upon
25 commissions for the sale of real estate by an independent contractor.

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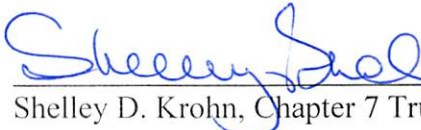
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28. I now seek an order reclassifying the above referenced claims as general unsecured claims.

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

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