Attorney or Party Name, Address, Telephone & FAX Numbers, and California State Bar Number	FOR COURT USE ONLY
Lee S. Raphael, Esq., Bar ID: 180030 Cassandra J. Richey, Esq. Bar ID: 155721 David F. Makkabi, Esq. Bar ID: 249825 Prober & Raphael, A Law Corporation 20750 Ventura Boulevard #100 Woodland Hills, CA 91364 Telephone: 818-227-0100 Fax: 818-227-0101 cmartin@pprlaw.net ☐ *Individual appearing without counsel* ☒ *Attorney for:* BAC Home Loans Servicing, LP C.094-6019	
UNITED STATES BANKRUPTCY COURT **CENTRAL DISTRICT OF CALIFORNIA**	
In re: James C. Gianulias Debtor(s).	CHAPTER: 11 CASE NO.: 8:08-bk-13150 DATE: January 5, 2010 TIME: 10:30 am CTRM: 5D FLOOR: 5th

NOTICE OF MOTION AND MOTION FOR RELIEF FROM THE AUTOMATIC STAY UNDER 11 U.S.C. § 362 (with supporting declarations)

(MOVANT: BAC HOME LOANS SERVICING, LP (SEE PG. 10A))

(Real Property)

1. NOTICE IS HEREBY GIVEN to the Debtor(s) and Trustee (if any)("Responding Parties"), their attorneys (if any), and other interested parties that on the above date and time and in the indicated courtroom, Movant in the above-captioned matter will move this Court for an Order granting relief from the automatic stay as to Debtor(s) and Debtor's(s') bankruptcy estate on the grounds set forth in the attached Motion.

2. **Hearing Location:**
   - ☐ **255 East Temple Street, Los Angeles**
   - ☒ **411 West Fourth Street, Santa Ana**
   - ☐ **21041 Burbank Boulevard, Woodland Hills**
   - ☐ **1415 State Street, Santa Barbara**
   - ☐ **3420 Twelfth Street, Riverside**

3. a. ☒ This Motion is being heard on REGULAR NOTICE pursuant to Local Bankruptcy Rule 9013-1. If you wish to oppose this Motion, you must file a written response to this Motion with the Bankruptcy Court and serve a copy of it upon the Movant's attorney (or upon Movant, if the Motion was filed by an unrepresented individual) at the address set forth above no less than 14 days before the above hearing and appear at the hearing of this Motion.

   b. ☐ This Motion is being heard on SHORTENED NOTICE. If you wish to oppose this Motion, you must appear at the hearing. Any written response or evidence may be filed and served:

   ☐ at the hearing ☐ at least _____ court days before the hearing.

   (1) ☐ A Motion for Order Shortening Time was not required (according to the calendaring procedures of the assigned judge).

   (2) ☐ A Motion for Order Shortening Time was filed per Local Bankruptcy Rule 9075-1(b) and was granted by the Court and such motion and order have been or are being served upon the debtor and trustee, if any.

   (3) ☐ A Motion for Order Shortening Time has been filed and remains pending. Once the Court has ruled on that Motion, you will be served with another notice or an order that will specify the date, time and place of the hearing on the attached Motion and the deadline for filing and serving a written opposition to the Motion.

4. You may contact the Bankruptcy Clerk's Office to obtain a copy of an approved court form for use in preparing your response (*Optional Court Form F 4001-1M.RES*), or you may prepare your response using the format required by Local Bankruptcy Rule 1002-1.

In re (SHORT TITLE) James C. Gianulias Debtor(s).	CHAPTER: 11 CASE NO.: 8:08-bk-13150

5. If you fail to file a written response to the Motion or fail to appear at the hearing, the Court may treat such failure as a waiver of your right to oppose the Motion and may grant the requested relief.

Dated: October 26, 2009

Prober & Raphael, A Law Corporation
Print Law Firm Name (*if applicable*)

David F. Makkabi
Print Name of Individual Movant or Attorney for Movant

/s/ David F. Makkabi
Signature of Individual Movant or Attorney for Movant

In re James C. Gianulias (SHORT TITLE) Debtor(s).	CHAPTER: 11 CASE NO.: 8:08-bk-13150

MOTION FOR RELIEF FROM THE AUTOMATIC STAY
(MOVANT: BAC HOME LOANS SERVICING, LP (SEE PG. 10A))

1. **The Property at Issue:** Movant moves for relief from the automatic stay with respect to following real property (the "Property"):

Street Address: 77320 Camino Quintana
Apartment/Suite No.:
City, State, Zip Code: La Quinta, California 92253

Legal description or document recording number (including county of recording):

☒ See page 1 of attached Exhibit 1.

2. **Case History:**
   a. ☐ A voluntary ☒ An involuntary petition under Chapter ☒ 7 ☐ 11 ☐ 12 ☐ 13 was filed on (*specify date*): June 6, 2008
   b. ☒ An Order of Conversion to Chapter ☐ 7 ☒ 11 ☐ 12 ☐ 13 was entered on (*specify date*): 07/02/2008
   c. ☐ Plan was confirmed on (*specify date*):
   d. ☐ Other bankruptcy cases affecting this Property have been pending within the past two years. See attached Declaration.

3. **Grounds for Relief from Stay:**
   a. ☒ Pursuant to 11 U.S.C. § 362(d)(1), cause exists to grant Movant the requested relief from stay as follows:
      (1) ☒ Movant's interest in the Property is not adequately protected.
         (a) ☒ Movant's interest in the collateral is not protected by an adequate equity cushion.
         (b) ☐ The fair market value of the Property is declining and payments are not being made to Movant sufficient to protect Movant's interest against that decline.
         (c) ☐ No proof of insurance re Movant's collateral has been provided to Movant, despite borrower(s)'s obligation to insure the collateral under the terms of Movant's contract with Debtor(s).
         (d) ☐ Payments have not been made as required by an Adequate Protection Order previously granted in this case.
      (2) ☐ The bankruptcy case was filed in bad faith to delay, hinder or defraud Movant.
         (a) ☐ Movant is the only creditor or one of very few creditors listed on the master mailing matrix.
         (b) ☐ Non-individual entity was created just prior to bankruptcy filing for the sole purpose of filing bankruptcy.
         (c) ☐ The Debtor(s) filed what is commonly referred to as a "face sheet" filing of only a few pages consisting of the Petition and a few other documents. No other Schedules or Statement of Affairs (or Chapter 13 Plan, if appropriate) have been filed.
         (d) ☐ Other (See attached continuation page).

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(3) ☐ (*Chapter 12 or 13 cases only*)

(a) ☐ Postconfirmation plan payments have not been made to the Standing Trustee.

(b) ☐ Postconfirmation payments required by the confirmed plan have not been made to Movant.

(4) ☐ For other cause for relief from stay, see attached continuation page.

b. ☒ Pursuant to 11 U.S.C. § 362(d)(2)(A), Debtor(s) has/have no equity in the Property; and pursuant to § 362(d)(2)(B), the Property is not necessary for an effective reorganization.

c. ☐ Pursuant to 11 U.S.C. § 362(d)(3), Debtor(s) has/have failed within the later of 90 days after the petition or 30 days after the court determined that the Property qualifies as single asset real estate to file a reasonable plan of reorganization or to commence monthly payments.

d. ☐ Pursuant to 11 U.S.C. § 362(d)(4), Debtor's(s) filing of the petition was part of a scheme to delay, hinder, and defraud creditors that involved:

(1) ☐ The transfer of all or part ownership of, or other interest in, the Property without the consent of Movant or court approval; or

(2) ☐ Multiple bankruptcy filings affecting the Property.

4. ☐ Movant also seeks annulment of the stay so that the filing of the bankruptcy petition does not affect postpetition acts, as specified in the attached Declaration(s).

5. **Evidence in Support of Motion: (*Important Note: Declaration(s) in support of the Motion MUST be attached hereto.*)**

a. ☒ Movant submits the attached Declaration(s) on the Court's approved forms (if applicable) to provide evidence in support of this Motion pursuant to Local Bankruptcy Rules.

b. ☐ Other Declaration(s) are also attached in support of this Motion.

c. ☒ Movant requests that the Court consider as admissions the statements made by Debtor(s) under penalty of perjury concerning Movant's claims and the Property set forth in Debtor(s)'s Schedules. Authenticated copies of the relevant portions of the Schedules are attached as Exhibit 3.

d. ☐ Other evidence (*specify*):

6. ☐ **An optional Memorandum of Points and Authorities is attached to this Motion.**

WHEREFORE, Movant prays that this Court issue an Order terminating or modifying the stay and granting the following (*specify forms of relief requested*):

1. Relief from the stay allowing Movant (and any successors or assigns) to proceed under applicable non-bankruptcy law to enforce its remedies to foreclose upon and obtain possession of the Property.

2. ☐ Annulment of the stay so that the filing of the bankruptcy petition does not affect postpetition acts, as specified in the attached Declaration(s).

3. ☒ Additional provisions requested:

a. ☒ That the Order be binding and effective despite any conversion of this bankruptcy case to a case under any other chapter of Title 11 of the United States Code.

b. ☒ That the 10-day stay described by Bankruptcy Rule 4001(a)(3) be waived.

c. ☐ That Extraordinary Relief be granted as set forth in the Attachment (*attach Optional Court Form F 4001-1M.ER*).

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d. [X] For other relief requested, see attached continuation page.

4. If relief from stay is not granted, Movant respectfully requests the Court to order adequate protection.

Dated: October 26, 2009

Respectfully submitted,

BAC HOME LOANS SERVICING, LP (SEE PG. 10A)
Movant Name

Prober & Raphael, A Law Corporation
Firm Name of Attorney for Movant (if applicable)

By: /s/ David F. Makkabi
Signature

Name: David F. Makkabi
Typed Name of Individual Movant or Attorney for Movant

In re James C. Gianulias (SHORT TITLE) Debtor(s).	CHAPTER: 11 CASE NO.: 8:08-bk-13150

REAL PROPERTY DECLARATION
(MOVANT: BAC HOME LOANS SERVICING, LP (SEE PG. 10A))

I, Judy Graves, declare as follows:
(*Print Name of Declarant*)

1. I have personal knowledge of the matters set forth in this declaration and, if called upon to testify, I could and would competently testify thereto. I am over 18 years of age. I have knowledge regarding Movant's interest in the real property that is the subject of this Motion ("Property") because (*specify*):

   ☐ I am the Movant and owner of the Property.

   ☐ I manage the Property as the authorized agent for the Movant.

   ☒ I am employed by Movant as (*state title and capacity*): Senior Loan Services Specialist

   ☐ Other (*specify*):

2. I am one of the custodians of the books, records and files of Movant that pertain to loans and extensions of credit given to Debtor(s) concerning the Property. I have personally worked on books, records and files, and as to the following facts, I know them to be true of my own knowledge or I have gained knowledge of them from the business records of Movant on behalf of Movant, which were made at or about the time of the events recorded, and which are maintained in the ordinary course of Movant's business at or near the time of the acts, conditions or events to which they relate. Any such document was prepared in the ordinary course of business of Movant by a person who had personal knowledge of the event being recorded and had or has a business duty to record accurately such event. The business records are available for inspection and copies can be submitted to the Court if required.

3. a. The address of the Property that is the subject of this Motion is:

   Street Address: 77320 Camino Quintana
   Apartment/Suite No.:
   City, State, Zip Code: La Quinta, California 92253

   b. The legal description or document recording number (including county of recording) set forth in Movant's Deed of Trust is attached as Exhibit 1.

   ☒ See attached page.

4. Type of property (check all applicable boxes):

   a. ☐ Debtor's(s') principal residence
   b. ☒ Other single family residence
   c. ☐ Multi-unit residential
   d. ☐ Commercial
   e. ☐ Industrial
   f. ☐ Vacant land
   g. ☐ Other (specify):

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In re (SHORT TITLE) James C. Gianulias Debtor(s).	CHAPTER: 11 CASE NO.: 8:08-bk-13150

5. Nature of Debtor's(s') interest in the Property:
   a. ☒ Sole owner
   b. ☐ Co-owner(s) (*specify*):
   c. ☐ Lien holder (*specify*):
   d. ☐ Other (*specify*):
   e. ☒ Debtor(s) ☒ did ☐ did not list the Property in the Schedules filed in this case.
   f. ☐ Debtor(s) acquired the interest in the Property by ☐ grant deed ☐ quitclaim deed ☐ trust deed

      The deed was recorded on:

6. Amount of Movant's claim with respect to the Property:

		PREPETITION	POSTPETITION	TOTAL
a.	Principal:	$	$	$ 475,200.00
b.	Accrued Interest:	$	$ 33,222.60	$ 33,222.60
c.	Late Charges	$	$	$ 0.00
d.	Costs (Attorney's Fees, Other Costs):	$ 0.00	$ 950.00	$ 950.00
f.	Advances (Property Taxes, Insurance):	$	$	$ 0.00
g.	TOTAL CLAIM as of October 26, 2009:	$ 0.00	$ 34,172.60	$ 509,372.60

   h. ☐ Loan is all due and payable because it matured on (*specify date*):

7. Movant holds a ☒ deed of trust ☐ judgment lien ☐ other (*specify*) that encumbers the Property.
   a. A true and correct copy of the document as recorded is attached as Exhibit 1.
   b. A true and correct copy of the promissory note or other document that evidences the Movant's claim is attached as Exhibit 2.
   c. ☐ A true and correct copy of the assignment(s) transferring the beneficial interest under the note and deed of trust to Movant is attached as Exhibit _____.

8. Status of Movant's claim relating to the Property (*fill in all applicable information requested below*):
   a. Current interest rate: 5.625%
   b. Contractual maturity date: April 1, 2035
   c. Amount of current monthly payment: $ 2,214.84
   d. Number of PREPETITION payments that have come due and were not made: 0. Total amount: $ 0.00
   e. Number of POSTPETITION payments that have come due and were not made: 15. Total amount: $ 33,222.60
   f. Date of POSTPETITION default: August 1, 2008
   g. Last payment received on the following date: June 26, 2008
   h. Notice of default recorded on the following date: July 2, 2009
   i. Notice of sale recorded on the following date: none recorded
   j. Foreclosure sale originally scheduled for the following date: none scheduled
   k. Foreclosure sale currently scheduled for the following date: none scheduled
   l. Foreclosure sale already held on the following date: none held
   m. Trustee's deed on sale already recorded on the following date: none recorded
   n. Future payments due by time of anticipated hearing date (*if applicable*):
      An additional payment of $ 2,214.84 will come due on 11/01/2009, and on the first day of each month thereafter. If the payment is not received by the _____ day of the month, a late charge of $_____ will be charged to the loan.

9. Attached hereto as Exhibit_____ is a true and correct copy of a POSTPETITION statement of account that accurately reflects the dates and amounts of all charges assessed to and payments made by the Debtor(s) since the petition date.

In re (SHORT TITLE) James C. Gianulias Debtor(s).	CHAPTER: 11 CASE NO.: 8:08-bk-13150

10. ☒ *(Chapter 7 and 11 cases only):* The fair market value of the entire Property is $ 648,000.00, established by:
    a. ☐ Appraiser's declaration with appraisal attached herewith as Exhibit _____.
    b. ☐ A real estate broker or other expert's declaration regarding value attached as Exhibit _____.
    c. ☒ A true and correct copy of relevant portion(s) of Debtor's(s') Schedules attached as Exhibit 3.
    d. ☐ Other *(specify):*

11. ☐ The fair market value of the Property is declining based on/due to: _____

12. ☒ **Calculation of equity in Property:**
    a. *Based upon* ☐ preliminary title report ☒ Debtor's(s') admissions in the schedules filed in this case, the Property is subject to the following deed(s) of trust or lien(s) in the amounts specified securing the debt against the Property:

	Name of Holder	Amount as Scheduled by Debtor(s) (if any)	Amount Known to Declarant and Source
1st Deed of Trust:	BAC Home Loans	472,500.00	509,372.60
2nd Deed of Trust:	Gianulias Family Revoc. Trust	550,000.00	550,000.00
3rd Deed of Trust:			
Judgment Liens:			
Taxes:	Riverside County	unknown	unknown
Other:			
TOTAL DEBT:	$ 1,059,372.60		

    b. Evidence establishing the existence of the above deed(s) of trust and lien(s) is attached as Exhibit 3, and consists of:
       ☐ Preliminary title report
       ☒ Relevant portions of Debtor's(s') Schedules as filed in this case
       ☐ Other *(specify):*

    c. Subtracting the deed(s) of trust and other lien(s) set forth above from the value of the Property as set forth in Paragraph 10 above, the Debtor's(s') equity in the Property is $ -411,372.60 (§ 362(d)(2)(A)).

    d. The value of the "equity cushion" in the Property exceeding Movant's debt and any lien(s) senior to Movant is $ 138,627.40 (§ 362(d)(1)).

    e. Estimated costs of sale: $ 51,840.00 (Estimate based upon 8 % of estimated gross sales price)

13. ☐ *(Chapter 12 and 13 cases only)* Chapter 12 or 13 case status information:

    a. 341(a) Meeting currently scheduled for (or concluded on) the following date:
    Confirmation hearing currently scheduled for (or concluded on) the following date:
    Plan confirmed on the following date (*if applicable*):

    b. Postpetition/preconfirmation payments due BUT REMAINING UNPAID since the filing of the case:

(*Number of*) _____ payment(s) due at $_____ each = $_____
(*Number of*) _____ payment(s) due at $_____ each = $_____
(*Number of*) _____ late charge(s) at $_____ each = $_____
(*Number of*) _____ late charge(s) at $_____ each = $_____

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In re (SHORT TITLE) James C. Gianulias Debtor(s).	CHAPTER: 11 CASE NO.: 8:08-bk-13150

c. Postpetition/preconfirmation advances or other charges due but unpaid: $_____
(See attachment for details of type and amount.)

TOTAL POSTPETITION/PRECONFIRMATION DELINQUENCY: $_____

d. Postconfirmation payments due BUT REMAINING UNPAID since plan confirmation (*if applicable*):

(*Number of*) _____ payment(s) due at $_____ each = $_____
(*Number of*) _____ payment(s) due at $_____ each = $_____
(*Number of*) _____ late charge(s) at $_____ each = $_____
(*Number of*) _____ late charge(s) at $_____ each = $_____

e. Postconfirmation advances or other charges due but unpaid: $_____
(See attachment for details of type and amount.)

TOTAL POSTCONFIRMATION DELINQUENCY: $_____

f. ☐ The claim is provided for in the Chapter 12 or 13 Plan. Plan payment history is attached as Exhibit _____.

g. ☐ See attached Declaration(s) of Chapter 12 or 13 Trustee regarding receipt of payments under the plan (*attach Court Form F 4001-1M.13*).

14. ☐ Movant has not been provided with evidence that the Property is currently insured, as required under the terms of the loan.

15. ☐ The court determined that the Property qualifies as single asset real estate on _____. More than 90 days have passed since the filing of the petition, more than 30 days have passed since the court determined that the Property qualifies as single asset real estate, the Debtor(s) has/have not filed a plan of reorganization that has a reasonable possibility of being confirmed within a reasonable time or the Debtor(s) has/have not commenced monthly payments to Movant as required by 11 U.S.C. § 362(d)(3).

16. ☐ See attached continuation page for facts establishing that the bankruptcy case was filed in bad faith to delay, hinder or defraud Movant.

17. ☐ The filing of the petition was part of a scheme to delay, hinder and defraud creditors that involved:

a. ☐ The transfer of all or part ownership of, or other interest in, the Property without the consent of Movant or court approval. See attached continuation page for facts establishing the scheme.

b. ☐ Multiple bankruptcy filings affecting the Property. The multiple bankruptcy filings include the following cases:

1. Case Name:
Case Number: Chapter:
Date Filed: Date Dismissed: Date Discharged:
Relief from stay re this property ☐ was ☐ was not granted.

2. *Case Name:*
Case Number: Chapter:
Date Filed: Date Dismissed: Date Discharged:
Relief from stay re this property ☐ was ☐ was not granted.

3. ☐ See attached continuation page for more information about other bankruptcy cases affecting the Property.

☐ See attached continuation page for facts establishing that the multiple bankruptcy cases were part of a scheme to delay, hinder, and defraud creditors.

In re James C. Gianulias (SHORT TITLE) Debtor(s).	CHAPTER: 11 CASE NO.: 8:08-bk-13150

18. ☐ Movant seeks annulment of the automatic stay so that the filing of the bankruptcy petition does not affect any and all of the enforcement actions set forth in paragraph 8 above that were taken after the filing of the bankruptcy petition in this case.
    a. ☐ These actions were taken by Movant without knowledge of the bankruptcy filing, and Movant would have been entitled to relief from stay to proceed with these actions.
    b. ☐ Although Movant knew about the bankruptcy filing, Movant had previously obtained relief from stay to proceed with these enforcement actions in prior bankruptcy cases affecting this Property as set forth in paragraph 17(b) above.
    c. ☐ For other facts justifying annulment, see attached continuation page.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that this Declaration was executed on ~~October~~ November 5, 2009, **at** Richardson, Texas **(city, state).**

Judy Graves
Print Declarant's Name

Judy Graves
Signature of Declarant

In Re: James C. Gianulias Debtor.	Chapter : 11 Case No.: 8:08-bk-13150

(OPTIONAL)
CONTINUATION PAGE

MOVANT: BAC HOME LOANS SERVICING, LP fka COUNTRYWIDE HOME LOANS SERVICING, LP
3.d.

The Movant further seeks relief in order to, at its option, offer, provide and enter into any potential forbearance agreement, loan modification, refinance agreement or other loan workout/loss mitigation agreement. The Movant, or its agent, may contact the Debtor via telephone or written correspondence to offer such an agreement. Any such agreement shall be non-recourse unless included in a reaffirmation agreement.

In re: James C. Gianulias	CHAPTER 11
Debtor(s).	CASE NUMBER 8:08-bk-13150

NOTE: When using this form to indicate service of a proposed order, **DO NOT** list any person or entity in Category I. Proposed orders do not generate an NEF because only orders that have been entered are placed on the CM/ECF docket.

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is: Polk, Prober & Raphael, A Law Corporation, 20750 Ventura Boulevard, Suite 100, Woodland Hills, California 91364

The foregoing document described NOTICE OF MOTION and MOTION FOR ORDER GRANTING RELIEF FROM THE AUTOMATIC STAY will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner indicated below:

I. **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF")** – Pursuant to controlling General Order(s) and Local Bankruptcy Rule(s) ("LBR"), the foregoing document will be served by the court via NEF and hyperlink to the document. On 10/23/2009, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following person(s) are on the Electronic Mail Notice List to receive NEF transmission at the email address(es) indicated below:

David F. Makkabi cmartin@pprlaw.net

☒ Service information continued on attached page

II. SERVED BY U.S. MAIL OR OVERNIGHT MAIL(indicate method for each person or entity served)**:**
On 12/04/09 I served the following person(s) and/or entity(ies) at the last known address(es) in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States Mail, first class, postage prepaid, and/or with an overnight mail service addressed as follows. *Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.*

☒ Service information continued on attached page

III. SERVED BY PERSONAL DELIVERY, FACSIMILE TRANSMISSION OR EMAIL (indicate method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on I served the following person(s) and/or entity(ies) by personal delivery, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. *Listing the judge here constitutes a declaration that personal delivery on the judge will be completed no later than 24 hours after the document is filed.*

☐ Service information continued on attached page

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

12/04/09	Barbara Scott	/s/ Barbara Scott
Date	*Type Name*	*Signature*

John B Acierno ecfcacb@piteduncan.com
Jess R Bressi jbressi@coxcastle.com
Frank Cadigan frank.cadigan@usdoj.gov
Jon M Chatalian efile@pbgc.gov
Sean T Cork scork@ssd.com
Paul J Couchot pcouchot@winthropcouchot.com, pj@winthropcouchot.com
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John H Wunsch sandra.g.mcmasters@wellsfargo.com

CASE NO: 8:08-bk-13150
DEBTOR: James C. Gianulias

INTERESTED PARTIES

Honorable Robert N. Kwan
U.S. Bankruptcy Court
Ronald Reagan Federal Building
411 W. Fourth Street, Suite 5165
Santa Ana, CA 92701-4593
JUDGE'S COPY

James C. Gianulias
1105 Quail Street
Newport Beach, CA 92660
Debtor

Alan J. Friedman, Esquire
840 Newport Center Drive, Ste 400
Newport Beach, CA 92660
Attorney for Debtor

Michael J. Hauser, Esquire
Office of the U.S. Trustee
411 West Fourth Street, Suite 9041
Santa Ana, CA 92701
Chapter 11 Trustee

Prober & Raphael, A Law Corporation
Attorneys for Movant
P.O. Box 4365
Woodland Hills, CA 91365-4365

Joshua D Wayser, Esquire
2029 Century Park East, Ste 2600
Los Angeles, CA 90067-3012
Re: California National Bank, Petitioning Creditor

Jess R Bressi, Esquire
19800 MacArthur Blvd Ste 500
Irvine, CA 92612-2435
Re: Famille Holdings L.P., Petitioning Creditor

Steven G Polard, Esquire
Perkins Coie LLP
1620 26th St Ste 600 S Tower
Santa Monica, CA 90404
Re: M.W. Housing Partners III LP, Petitioning Creditor
(continued)

II. SERVED BY U.S. MAIL OR OVERNIGHT MAIL

Gateway Insulation, Inc.
Gateway Plastering, Inc.
c/o Hines Smith Carder
3080 Bristol St Ste 540
Costa Mesa, CA 92626

Glassratner Advisory & Capital Group LLC
18500 Von Karman Ave Ste 390
Irvine, CA 92612

John D Klinedinst
Klinedinst PC
501 W Broadway Ste 600
San Diego, CA 92101

Lanak & Hanna P C
400 N Tustin Ave
Santa Ana, CA 92705-3815

Lantex Landscape Architecture Inc
28052 Camino Capistrano Ste 211
Laguna Niguel, CA 92677

William N. Lobel
Irell & Manella LLP
840 Newport Center Dr, Ste 400
Newport Beach, CA 92660-6324

PNC Bank, National Association
Polsinelli Shalton Flanigan Suelthaus PC
Daniel J Flanigan
700 W 47th St Ste 1000
Kansas City, MO 64112

Lori Scott
1301 Fifth Ave Ste 3100
Seattle, WA 98101

Squire, Sanders & Dempey LLP
Patrick Fields
555 S. Flower Street, 31st Floor
Los Angeles, CA 90071-2300

Squire, Sanders & Dempsey LLP
Sean T. Cork
40 N. Central Ave., #2700
Phoenix, AZ 85004

Linda Watanabe-Mitchell
David Evans and Associates Inc
320 SW Upper Terrace Dr Ste 200
Bend, OR 97702

Gus C. and Julie M. Gianulias Family Revocable Trust
2264 Fair Oaks Blvd, Ste 100
Sacramento, CA 95825
Second Trust Deed

Riverside County Tax Collector
Paul McDonnell, Treasurer
4080 Lemon Street, 11th Floor
Riverside, CA 92502
Tax Lien

Creditors Holding 20 Largest Unsecured Claims (list attached)

UNITED STATES BANKRUPTCY COURT

CENTRAL DISTRICT OF CALIFORNIA – SANTA ANA DIVISION

In re:	Case No. 8:08 - 13150-RK
JAMES CHRIS GIANULIAS, aka JAMES C. GIANULIAS, Debtor.	Chapter 11

LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS

Following is a list of the debtor's creditors holding the 20 largest unsecured claims. This list is prepared in accordance with Fed. R. Bankr. P. 1007(d) for filing in this chapter 11 case. The list does not include (1) persons who come within the definition of "insider" set forth in 11 U.S.C. § 101, or (2) secured creditors unless the value of the collateral is such that the unsecured deficiency places the creditor among the holders of the 20 largest unsecured claims. If a minor child is one of the creditors holding the 20 largest unsecured claims, state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. § 112 and Fed. R. Bankr. P. 1007(m).

The following information is based upon a review of the debtor's books and records. However, no comprehensive legal and/or factual investigations with regard to possible defenses or counterclaims to the below-listed claims have been completed. Therefore, this listing does not and should not be deemed to constitute: (1) a waiver of any defense, counterclaim or offset to the below-listed claims; (2) an acknowledgment of the allowability of any of the below-listed claims; and/or (3) a waiver of any other right or legal position of the debtor.

Name of Creditor and complete mailing address including zip code	Name, telephone number, complete mailing address including zip code and facsimile number of employee, agent or department of creditor familiar with claim who may be contacted	Nature of claim (trade debt, bank loan, government contract, etc.)	Indicate if claim is contingent, unliquidated, disputed or subject to setoff	Amount of claim (if secured, also state value of security)
PNC BANK (MIDLAND) Attn VETO ENNA 10851 MASTIN 6TH FLOOR OVERLAND PARK, KS 66210	PNC BANK (MIDLAND) Attn VETO ENNA 10851 MASTIN 6TH FLOOR OVERLAND PARK, KS 66210 913-253-9646_phone 913-253-9717_ Fax venna@pnc.com	Potential liability as guarantor of various loans	Contingent Unliquidated	$46,462,500.00
BANK MIDWEST Attn DAVID LASAEE 1100 MAIN STE 350 KANSAS CITY, MO 64105	BANK MIDWEST Attn DAVID LASAEE 1100 MAIN STE 350 KANSAS CITY, MO 64105 949-851-5800_phone 949-851-5850_ Fax david@arcacompanies.com	Potential liability as guarantor of various loans	Contingent Unliquidated	$32,449,775.38
CALIFORNIA NATIONAL BANK Attn ANDREW ZINN 1301 DOVE #101 NEWPORT BEACH, CA 92660	CALIFORNIA NATIONAL BANK Attn ANDREW ZINN 1301 DOVE #101 NEWPORT BEACH, CA 92660 949-794-3823_phone 949-222-0397_ Fax azinn@calnational.com	Potential liability as guarantor of various loans	Contingent Unliquidated	$32,273,165.02
BANK OF THE WEST Attn JON ELY 4041 MACARTHUR BLVD STE 100 NEWPORT BEACH, CA 92660	BANK OF THE WEST Attn JON ELY 4041 MACARTHUR BLVD STE 100 NEWPORT BEACH, CA 92660 949-622-6003_phone 949-833-3275_ Fax jelly@bankofthewest.com	Potential liability as guarantor of various loans	Contingent Unliquidated	$15,000,000.00

UNITED STATES BANKRUPTCY COURT

CENTRAL DISTRICT OF CALIFORNIA – SANTA ANA DIVISION

In re: JAMES CHRIS GIANULIAS, aka JAMES C. GIANULIAS, Debtor.	Case No. 8:08 - 13150-RK Chapter 11

LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS (continuation)

The following information is based upon a review of the debtor's books and records. However, no comprehensive legal and/or factual investigations with regard to possible defenses or counterclaims to the below-listed claims have been completed. Therefore, this listing does not and should not be deemed to constitute: (1) a waiver of any defense, counterclaim or offset to the below-listed claims; (2) an acknowledgment of the allowability of any of the below-listed claims; and/or (3) a waiver of any other right or legal position of the debtor.

Name of Creditor and complete mailing address including zip code	Name, telephone number, complete mailing address including zip code and facsimile number of employee, agent or department of creditor familiar with claim who may be contacted	Nature of claim (trade debt, bank loan, government contract, etc.)	Indicate if claim is contingent, unliquidated, disputed or subject to setoff	Amount of claim (if secured, also state value of security)
BANK OF AMERICA Attn LISA TOYAMA 350 LYTTON AVE STE 101 PALO ALTO, CA 94301	BANK OF AMERICA Attn LISA TOYAMA 350 LYTTON AVE STE 101 PALO ALTO, CA 94301 650-853-4486 _____ Fax _____ e-mail	Potential liability as guarantor of various loans	Contingent Unliquidated	$13,401,000.00
HOUSING CAPITAL CORP Attn DAVID PROWSE 3200 BRISTOL ST STE 500 COSTA MESA, CA 92626	HOUSING CAPITAL CORP Attn DAVID PROWSE 3200 BRISTOL ST STE 500 COSTA MESA, CA 92626 714-433-2300_phone 714-443-2454_Fax dprowse@housingcapital.com	Potential liability as guarantor of various loans	Contingent Unliquidated	$13,052,034.79
DEUTSCHE BANK / BERKSHIRE Attn GREG REED 7575 IRVINE CENTER DR STE 150 IRVINE, CA 92618	DEUTSCHE BANK / BERKSHIRE Attn GREG REED 7575 IRVINE CENTER DR STE 150 IRVINE, CA 92618 949-754-6327_phone 949-754-6312_ Fax greg.reed@db.com	Potential liability as guarantor of various loans	Contingent Unliquidated	$12,300,000.00
WEYERHAEUSER REALTY Attn DAVID PROWSE 3200 BRISTOL ST STE 500 COSTA MESA, CA 92626	WEYERHAEUSER REALTY Attn DAVID PROWSE 3200 BRISTOL ST STE 500 COSTA MESA, CA 92626 714-433-2300_phone 714-433-2454_ Fax dprowse@housingcapital.com	Potential liability as guarantor of various loans	Contingent Unliquidated	$11,888,758.44
VIRTUAL REALTY Attn HENRY WARSHAW 700 CORPORATE PARK DR STE 310 CLAYTON, MO 63105	VIRTUAL REALTY Attn HENRY WARSHAW 700 CORPORATE PARK DR STE 310 CLAYTON, MO 63105 314-754-3317 314-862-6139_ Fax warshaw@vrellc.com	Potential liability as guarantor of various loans	Contingent Unliquidated	$11,590,118.00

UNITED STATES BANKRUPTCY COURT

CENTRAL DISTRICT OF CALIFORNIA – SANTA ANA DIVISION

In re: JAMES CHRIS GIANULIAS, aka JAMES C. GIANULIAS, Debtor.	Case No. 8:08 - 13150-RK Chapter 11

LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS (continuation)

The following information is based upon a review of the debtor's books and records. However, no comprehensive legal and/or factual investigations with regard to possible defenses or counterclaims to the below-listed claims have been completed. Therefore, this listing does not and should not be deemed to constitute: (1) a waiver of any defense, counterclaim or offset to the below-listed claims; (2) an acknowledgment of the allowability of any of the below-listed claims; and/or (3) a waiver of any other right or legal position of the debtor.

Name of Creditor and complete mailing address including zip code	Name, telephone number, complete mailing address including zip code and facsimile number of employee, agent or department of creditor familiar with claim who may be contacted	Nature of claim (trade debt, bank loan, government contract, etc.)	Indicate if claim is contingent, unliquidated, disputed or subject to setoff	Amount of claim (if secured, also state value of security)
INTERVEST Attn CARL NATALIZIA TWO PARK PLAZA STE 470 IRVINE, CA 92614	INTERVEST Attn CARL NATALIZIA TWO PARK PLAZA STE 470 IRVINE, CA 92614 949-222-0292_phone 949-222-9914- Fax carl.natalizia@intervestmortgage.com	Potential liability as guarantor of various loans	Contingent Unliquidated	$9,411,331.84
WACHOVIA BANK Attn GARRETT MITTON 15750 ALTON PKWY 3RD F IRVINE, CA 92618	WACHOVIA BANK Attn GARRETT MITTON 15750 ALTON PKWY 3RD FLOOR IRVINE, CA 92618 949-754-7247_phone 949-754-4814-Fax garrett_mitton@wfb.coml	Line of credit and potential liability as guarantor of various loans	Contingent Unliquidated	$8,000,000.00
FAMILLE HOLDINGS Attn JAMES HERBST 27675 CHAPALA MISSION VIEJO, CA 92692	FAMILLE HOLDINGS Attn JAMES HERBST 27675 CHAPALA MISSION VIEJO, CA 92692 949-291-4560_phone 949-215-2965_Fax jherbst@cox.net	Potential liability as guarantor of various loans	Contingent Unliquidated	$8,000,000.00
UNIVERSAL BANK Attn YUKI KOYANO 3455 NOGALES ST 2ND FL WEST COVINA, CA 91792	UNIVERSAL BANK Attn YUKI KOYANO 3455 NOGALES ST 2ND FL WEST COVINA, CA 91792 626-854-2818_phone 626-854-9898_ Fax yukik@universalbank.com	Potential liability as guarantor of various loans	Contingent Unliquidated	$4,500,000.00
PACIFIC MERCANTILE Attn HELEN AMOR 450 NEWPORT CENTER DR STE 100 NEWPORT BEACH, CA 92660	PACIFIC MERCANTILE Attn HELEN AMOR 450 NEWPORT CENTER DR STE 100 NEWPORT BEACH, CA 92660 949-467-2268 949-644-8098_Fax hamor@pmbank.com	Line of credit		$3,000,000.00

UNITED STATES BANKRUPTCY COURT

CENTRAL DISTRICT OF CALIFORNIA – SANTA ANA DIVISION

In re: JAMES CHRIS GIANULIAS, aka JAMES C. GIANULIAS, Debtor.	Case No. 8:08 - 13150-RK Chapter 11

LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS (continuation)

The following information is based upon a review of the debtor's books and records. However, no comprehensive legal and/or factual investigations with regard to possible defenses or counterclaims to the below-listed claims have been completed. Therefore, this listing does not and should not be deemed to constitute: (1) a waiver of any defense, counterclaim or offset to the below-listed claims; (2) an acknowledgment of the allowability of any of the below-listed claims; and/or (3) a waiver of any other right or legal position of the debtor.

Name of Creditor and complete mailing address including zip code	Name, telephone number, complete mailing address including zip code and facsimile number of employee, agent or department of creditor familiar with claim who may be contacted	Nature of claim (trade debt, bank loan, government contract, etc.)	Indicate if claim is contingent, unliquidated, disputed or subject to setoff	Amount of claim (if secured, also state value of security)
PACIFIC WESTERN BANK Attn JIM TREVINO 895 DOVE ST STE 100 NEWPORT BEACH, CA 92660	PACIFIC WESTERN BANK Attn JIM TREVINO 895 DOVE ST STE 100 NEWPORT BEACH, CA 92660 949-221-8080_phone 949-852-8844_Fax jtrevino@pacificwesternbank.com	Line of credit and potential liability as guarantor of various loans	Contingent Unliquidated	$2,225,000.00
CALIFORNIA BANK & TRUST Attn KURT ROSS 1900 MAIN STREET STE 100 IRVINE, CA 92614	CALIFORNIA BANK & TRUST Attn KURT ROSS 1900 MAIN STREET STE 100 IRVINE, CA 92614 949-251-7727_phone 949-251-7777_ Fax kurt.ross@calbt.com	Line of credit		$1,000,000.00
DR GU 40423 SKYPARK RD MURRIETA, CA 92562	DR GU 40423 SKYPARK RD MURRIETA, CA 92562 951-383-4559_ Phone _____Fax njang_92562@yahoo.com	Unsecured loan		$300,000.00
MELODY LAW 61 PUALU LOOP LAHAINA, HI 96761	MELODY LAW 61 PUALU LOOP LAHAINA, HI 96761 808.870.0856_ Phone 808.665.5868_Fax mlrainbows@hawaii.rr.coml	Trade debt		$3,029.17
UCLA MEDICAL GROUP UCLA NEUROSURGERY ASSOC PO BOX 24DD5 LOS ANGELES, CA 90095-0001	UCLA MEDICAL GROUP UCLA NEUROSURGERY ASSOC PO BOX 24DD5 LOS ANGELES, CA 90095-0001 310-301-8955_phone 310-301-8965_ Fax	Medical services	Disputed	$1,560.33

DECLARATION UNDER PENALTY OF PERJURY

I, JAMES CHRIS GIANULIAS, aka JAMES C. GIANULIAS, debtor in this case, declare under penalty of perjury that I have read the foregoing List of Creditors Holding 20 Largest Unsecured Claims, and that it is true and correct to the best of my information and belief.

DATED: July 8, 2008

JAMES CHRIS GIANULIAS