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Debtors-in-Possession
7

8
9 **UNITED STATES BANKRUPTCY COURT**
10 **CENTRAL DISTRICT OF CALIFORNIA**
11 **SANTA ANA DIVISION**

12 In re	) Case No. SA 08-13150-RK
13 JAMES C. GIANULIAS,	) [Substantively Consolidated With:
	) Case No. 8:08-bk-13151-RK]
)
14 Debtor and Debtor-in-Possession.	) Chapter 11
)
15	) SERVICE OF ENTERED ORDER
16 CAMEO HOMES, a California corporation,	) APPROVING THE STIPULATION
	) REGARDING THE ALLOWANCE OF
17 Debtor and Debtor-in-Possession.	) CREDITOR DEUTSCHE BANK
	) BERKSHIRE MORTGAGE, INC.'S
18	) UNSECURED CLAIM AGAINST THE
19) SUBSTANTIVELY CONSOLIDATED
20) ESTATES OF DEBTOR JAMES C.
) GIANULIAS AND DEBTOR CAMEO
21) HOMES
)
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26)
27)
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Special Counsel to Debtors and Debtors-in-Possession

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
SANTA ANA DIVISION

In re

JAMES C. GIANULIAS,

Debtor and Debtor-in-Possession.

CAMEO HOMES, a California corporation,

Debtor and Debtor-in-Possession.

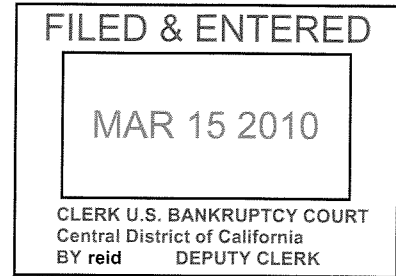
Case No.: 8:08-13150-RK

Substantively Consolidated With:
Case No.: 8:08-13151-RK

Chapter 11

**ORDER APPROVING THE STIPULATION
REGARDING THE ALLOWANCE OF
CREDITOR DEUTSCHE BANK
BERKSHIRE MORTGAGE, INC.'S
UNSECURED CLAIM AGAINST THE
SUBSTANTIVELY CONSOLIDATED
ESTATES OF DEBTOR JAMES C.
GIANULIAS AND DEBTOR CAMEO
HOMES**

The Court having considered the *Motion for an Order Approving the Stipulation Regarding the Allowance of Creditor Deutsche Bank Berkshire Mortgage, Inc.'s Unsecured Claim Against the Substantively Consolidated Estates of Debtor James C. Gianulias and Debtor Cameo Homes* (the "Motion"), filed by James C. Gianulias and Cameo Homes, the debtors and debtors-in-possession in



1 these substantively consolidated cases (the “Debtors”), the Memorandum of Points and Authorities
2 and the *Declaration of William N. Lobel* (the “Declaration”) in support of the Motion, the exhibits to
3 the Motion, including the *Stipulation Regarding the Allowance of Creditor Deutsche Bank Berkshire*
4 *Mortgage, Inc.’s Unsecured Claim Against the Substantively Consolidated Estates of Debtor James*
5 *C. Gianulias and Debtor Cameo Homes* (the “Stipulation”) attached to the Declaration as Exhibit “1”;
6 and the records, pleadings, and other documents on file in this case; the Court having found that notice
7 of the Motion was proper pursuant to Local Bankruptcy Rule 9013-1(o)(1) and otherwise, and that no
8 responses or objections to the Motion have been filed; and having determined that the Stipulation is
9 fair and equitable and in the best interests of the estate and its creditors, that the terms and conditions
10 of the Stipulation meet the Ninth Circuit’s standards for approval of compromises, and good cause
11 appearing

12 IT IS HEREBY ORDERED that the Motion is granted.

13 IT IS FURTHER ORDERED that the Stipulation is approved and Deutsche Bank Berkshire
14 Mortgage, Inc. (“Deutsche Bank”) and the Official Joint Committee of Unsecured Creditors (the
15 “Committee”) are authorized and directed to comply in full with the terms of the Stipulation.

16 IT IS FURTHER ORDERED that Deutsche Bank’s claim in the amount of \$12,300,000.00
17 (the “Claim”) is forever deemed timely filed.

18 IT IS FURTHER ORDERED that Deutsche Bank’s Claim is irrevocably and unconditionally
19 allowed—within the meaning of 11 U.S.C. Section 502(a)—in the amount of \$5,000,000 as a general
20 unsecured claim against the substantively consolidated estates of Debtor James C. Gianulias and
21 Debtor Cameo Homes.

22 IT IS FURTHER ORDERED that the Committee shall dismiss its appeal of the Court’s *Order*
23 *Granting Deutsche Bank Berkshire Mortgage, Inc.’s Motion for Relief From the Bar Date Order*
24 *Pursuant to F.R.B.P. 9024* with prejudice pursuant to the terms of the *Stipulation for Dismissal and*
25 *Order*, in the form attached as Exhibit “A” to the Stipulation, which shall be entered into by and
26 between the Committee and Deutsche Bank and filed in the United States District Court, Central
27 District of California, Western Division (Case No. 8:09-cv-00777-FMC) no later than five (5) days
28 from and after the date on which the Court’s order granting the Motion is deemed final.

1 IT IS FURTHER ORDERED that the Court reserves jurisdiction to enforce the terms of the
2 Stipulation and this Order.

3 IT IS SO ORDERED.

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25 DATED: March 15, 2010

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27 _____
28 United States Bankruptcy Judge

Exhibit A
Page 3

1 **PROOF OF SERVICE OF DOCUMENT**

2 I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business
3 address is: 840 Newport Center Drive, Suite 750, Newport Beach, CA 92660

4 The foregoing document described as **[PROPOSED] ORDER APPROVING THE STIPULATION**
5 **REGARDING THE ALLOWANCE OF CREDITOR DEUTSCHE BANK BERKSHIRE MORTGAGE, INC.'S**
6 **UNSECURED CLAIM AGAINST THE SUBSTANTIVELY CONSOLIDATED ESTATES OF DEBTOR**
7 **JAMES C. GIANULIAS AND DEBTOR CAMEO HOMES** will be served or was served (a) on the judge in
8 chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner indicated below:

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

14 ☐ Service information continued on attached page

15 **II. SERVED BY U.S. MAIL OR OVERNIGHT MAIL**(indicate method for each person or entity served):

16 On _____, I served the following person(s) and/or entity(ies) at the last known address(es) in
17 this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope
18 in the United States Mail, first class, postage prepaid, and/or with an overnight mail service addressed as
19 follows. *Listing the judge here constitutes a declaration that mailing to the judge will be completed no later
20 than 24 hours after the document is filed.*

21 ☐ Service information continued on attached page

22 **III. SERVED BY PERSONAL DELIVERY, FACSIMILE TRANSMISSION OR EMAIL** (indicate method for
23 each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on March 11, 2010, I served
24 the following person(s) and/or entity(ies) by personal delivery, or (for those who consented in writing to such
25 service method), by facsimile transmission and/or email as follows. *Listing the judge here constitutes a
26 declaration that personal delivery on the judge will be completed no later than 24 hours after the document is
27 filed.*

28 Chambers of the Honorable Robert N. Kwan
United States Bankruptcy Court
411 West Fourth Street
Santa, Ana, CA 92701

☐ 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.

3/11/10 Cecilia Solórzano
Date Type Name

/s/ Cecilia Solórzano
Signature

Exhibit A
Page 4

NOTICE OF ENTERED ORDER AND SERVICE LIST

Notice is given by the court that a judgment or order entitled (*specify*) **ORDER APPROVING THE STIPULATION REGARDING THE ALLOWANCE OF CREDITOR DEUTSCHE BANK BERKSHIRE MORTGAGE, INC.'S UNSECURED CLAIM AGAINST THE SUBSTANTIVELY CONSOLIDATED ESTATES OF DEBTOR JAMES C. GIANULIAS AND DEBTOR CAMEO HOMES** was entered on the date indicated as "Entered" on the first page of this judgment or order and will be served in the manner indicated below:

I. SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF") Pursuant to controlling General Order(s) and Local Bankruptcy Rule(s), the foregoing document was served on the following person(s) by the court via NEF and hyperlink to the judgment or order. As of **March 13, 2010**, the following person(s) are currently on the Electronic Mail Notice List for this bankruptcy case or adversary proceeding to receive NEF transmission at the email address(es) indicated below.

☒ Service information continued on attached page

II. SERVED BY THE COURT VIA U.S. MAIL: A copy of this notice and a true copy of this judgment or order was sent by United States Mail, first class, postage prepaid, to the following person(s) and/or entity(ies) at the address(es) indicated below:

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

☐ Service information continued on attached page

III. TO BE SERVED BY THE LODGING PARTY: Within 72 hours after receipt of a copy of this judgment or order which bears an "Entered" stamp, the party lodging the judgment or order will serve a complete copy bearing an "Entered" stamp by U.S. Mail, overnight mail, facsimile transmission or email and file a proof of service of the entered order on the following person(s) and/or entity(ies) at the address(es), facsimile transmission number(s), and/or email address(es) indicated below:

Attorneys for Deutsche Bank Mortgage, Inc.
Dennis B. Arnold, Esq.
Richard C. Herrera, Esq.
Gibson, Dunn & Crutcher LLP
333 South Grand Avenue
Los Angeles, CA 90071

☐ Service information continued on attached page

Exhibit A
Page 5

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- Steven Werth swerth@sulmeyerlaw.com, asokolowski@sulmeyerlaw.com
- John H Wunsch sandra.g.mcmasters@wellsfargo.com

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: 840 Newport Center Drive, Suite 750, Newport Beach, CA 92660

The foregoing document described as **SERVICE OF ENTERED ORDER APPROVING THE STIPULATION REGARDING THE ALLOWANCE OF CREDITOR DEUTSCHE BANK BERKSHIRE MORTGAGE, INC.'S UNSECURED CLAIM AGAINST THE SUBSTANTIVELY CONSOLIDATED ESTATES OF DEBTOR JAMES C. GIANULIAS AND DEBTOR CAMEO HOMES [ATTACHED HERETO AS EXHIBIT "A"]** 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 March 16, 2010, 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:

☒ Service information continued on attached page

II. **SERVED BY U.S. MAIL OR OVERNIGHT MAIL** (indicate method for each person or entity served): On March 16, 2010, 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.*

Attorneys for Deutsche Bank Mortgage, Inc.
Dennis B. Arnold, Esq.
Richard C. Herrera, Esq.
Gibson, Dunn & Crutcher LLP
333 South Grand Avenue
Los Angeles, CA 90071

☐ 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.

3/16/10 Cecilia Solórzano
Date Type Name

/s/ Cecilia Solórzano
Signature

SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF")

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