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FILED & ENTERED

JUN 02 2010

CLERK U.S. BANKRUPTCY COURT
Central District of California
BY kent DEPUTY CLERK

12 **UNITED STATES BANKRUPTCY COURT**
13 **CENTRAL DISTRICT OF CALIFORNIA**
14 **SANTA ANA DIVISION**

15 In re
16 JAMES C. GIANULIAS AND CAMEO
HOMES, a California corporation,

18 Debtors and Debtors-in-
Possession.

) Case No. 8:08-bk-13150-RK
) [Substantively Consolidated With:
) Case No. 8:08-bk-13151-RK]

) Chapter 11

) **ORDER SUSTAINING DEBTORS'**
) **SECOND OMNIBUS OBJECTION TO**
) **INCORRECT CLASSIFICATION OF**
) **CLAIMS OF:**

) (1) **HILLCREST CONTRACTING,**
) **INC. (Claim No. 29);**
) (2) **GEURTS LAW FIRM (Claim No.**
) **37);**
) (3) **AMPAM PARKS MECHANICAL,**
) **INC. (Claim No. 38);**
) (4) **TEMECULA VALLEY EROSION**
) **CONTROL, INC. (Claim No. 49)**

) **Hearing:**

) DATE: May 11, 2010
) TIME: 2:30 p.m.
) PLACE: Courtroom 5D
) 411 West Fourth Street
) Santa Ana, CA 92701

1 This matter came on for hearing on May 11, 2010, at 2:30 p.m., in Courtroom 5D of the
2 United States Bankruptcy Court for the Central District of California, before the Honorable Robert
3 Kwan, United States Bankruptcy Judge. Kerri A. Lyman, Esq. of Irell & Manella LLP appeared
4 telephonically on behalf of James C. Gianulias ("Gianulias") and Cameo Homes, a California
5 corporation ("Cameo"), the substantively consolidated debtors and debtors-in-possession (the
6 "Debtors"). Other appearances, if any, are as reflected on the Court's record.

7 The Court has considered the "Debtors' Second Omnibus Objection to Incorrect
8 Classification Claims" (the "Objections") filed on March 26, 2010 [Docket No. 647], the
9 Declaration of John McFadden in support thereof, and the fact that no responses to the Objections
10 were filed with the Court. Based thereon, the Court finds that adequate notice has been provided,
11 and for good cause appearing therefore,

12 **IT IS HEREBY ORDERED** that:

- 13 1. The Disputed Incorrect Classification Claims as set forth on Exhibit "A" attached
14 hereto are hereby sustained and reclassified as general unsecured non-priority claims;
15 2. The Debtors, or any other party-in-interest, shall have the right to object to any of
16 the surviving claims affected hereby on any other ground whatsoever; and
17 3. This Court shall retain jurisdiction to hear and determine all matters arising from
18 the implementation of this Order.

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25 DATED: June 2, 2010

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United States Bankruptcy Judge

EXHIBIT "A"

<u>(1)</u> <u>Name of Claimant</u>	<u>(2)</u> <u>Claim</u> <u>No.</u>	<u>(3)</u> <u>Claim</u> <u>Amount</u>	<u>Claim</u> <u>Classification</u> <u>Status</u>	<u>Modified</u> <u>Classification</u> <u>Status</u>	<u>(4)</u> <u>Reason for Modification</u>
Hillcrest Contracting, Inc. Attn: Corporate Officer 1467 Circle City Drive Corona, CA 92879 Hillcrest Contracting, Inc. c/o Gerald Mouzis, Esq. Monteleone & McCrary, LLP 200 W. Santa Ana Blvd., Suite 200 Santa Ana, CA 92701	#29-1 (Cameo claim docket) Exhibit "B"	\$ 242,697.46	Secured	General Unsecured Non- Priority	The Claimant asserts a right to a secured claim based on a mechanic's lien recorded against real property described as Sweetwater Ranch Tr. #31118 Leon Rd/Jean Nicholas Rd., Riverside, CA. This property is not owned by Cameo, but rather by one of the Companies in which Cameo owns an interest. Therefore, this claim is not a secured claim under Section 506 of the Bankruptcy Code.
Geurts Law Firm Attn: Phillip Geurts, Esq. 4 Park Plaza, Ste. 1025 Irvine, CA 92614	#37-1 (Cameo claim docket) Exhibit "C"	\$64,830.28	Secured	General Unsecured Non- Priority	The Claimant asserts a right to a secured claim on the basis of goods sold/services performed. The claim relates to services supplying graphic design, fabrication and installation of signs on property located at 24405 Village Park Place, Murrieta, CA. Cameo has determined that this claim is not a secured claim under Section 506 of the Bankruptcy Code.
AMPAM Parks Mechanical, Inc. c/o Matthew D. Fischer, Esq. Taubman, Simpson, Young & Sulentor One World Trade Center, Suite 400 Long Beach, CA 90831	#38-1 (Cameo claim docket) Exhibit "D"	\$665,093.78	Secured	General Unsecured Non- Priority	The Claimant asserts a right to a secured claim based on a mechanic's lien recorded against real property owned by Murrieta Village Walk LP (a/k/a Murrieta Villagewalk LP) located at Lemon & Jefferson in Murrieta, County of Riverside, CA known as Village Walk at Murrieta with respect to labor and services provided under contract with G Companies Construction, Inc. This property is not owned by Cameo, but rather by one of the Companies in which Cameo owns an interest. Therefore, this claim is not a secured claim under Section 506 of the Bankruptcy Code.

<u>(1)</u> <u>Name of Claimant</u>	<u>(2)</u> <u>Claim</u> <u>No.</u>	<u>(3)</u> <u>Claim</u> <u>Amount</u>	<u>Claim</u> <u>Classification</u> <u>Status</u>	<u>Modified</u> <u>Classification</u> <u>Status</u>	<u>(4)</u> <u>Reason for Modification</u>
Temecula Valley Erosion Control, Inc. Attn: Jessica Davis 19011 Mermack Avenue Lake Elsinore, CA 92632	#49-1 (Gianulias claim docket) Exhibit "E"	\$45,204.75	Secured	General Unsecured Non- Priority	The Claimant asserts a right to a secured claim on the basis of goods sold/services performed. Gianulias has determined that this claim is not a secured claim under Section 506 of the Bankruptcy Code.

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 400, Newport Beach, CA 92660-6324

The foregoing document described as [Proposed] **ORDER SUSTAINING DEBTORS' SECOND OMNIBUS OBJECTION TO INCORRECT CLASSIFICATION CLAIMS** 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 _____, 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 May 11, 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.*

☒ 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 May 11, 2010 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.*

SERVED VIA PERSONAL DELIVERY

Chambers of Honorable Robert W. Kwan
United States Bankruptcy Court
411 W. 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.

5/11/2010
Date

Lori Gauthier
Type Name

/s/ Lori Gauthier
Signature

SERVED VIA E-MAIL

- Michael J Hauser michael.hauser@usdoj.gov – U.S. TRUSTEE
- Elissa Miller emiller@sulmeyerlaw.com, asokolowski@sulmeyerlaw.com – COMMITTEE COUNSEL
- Victor A Sahn vsahn@sulmeyerlaw.com – COMMITTEE COUNSEL

SERVED VIA U.S. MAIL

Hillcrest Contracting, Inc.
Attn: Corporate Officer
1467 Circle City Drive
Corona, CA 92879

Hillcrest Contracting, Inc.
c/o Gerald Mouzis, Esq.
Monteleone & McCrory, LLP
200 W. Santa Ana Blvd., Suite 200
Santa Ana, CA 92701

Geurts Law Firm
Attn: Phillip Geurts, Esq.
4 Park Plaza, Ste. 1025
Irvine, CA 92614

AMPAM Parks Mechanical, Inc.
c/o Matthew D. Fischer, Esq.
Taubman, Simpson, Young & Sulentor
One World Trade Center, Suite 400
Long Beach, CA 90831

Temecula Valley Erosion Control, Inc.
Attn: Jessica Davis
19011 Mermack Avenue
Lake Elsinore, CA 92632

Debtor
James Gianulias/Cameo Homes
Attn: John McFadden
1105 Quail Street
Newport Beach, CA 92660

In re:
James C. Gianulias

CHAPTER

Debtor(s).

CASE NUMBER 8:08-bk-13150-RK

NOTICE OF ENTERED ORDER AND SERVICE LIST

Notice is given by the court that a judgment or order entitled (*specify*) **ORDER SUSTAINING DEBTORS' SECOND OMNIBUS OBJECTION TO INCORRECT CLASSIFICATION CLAIMS** 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 **May 28, 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 U.S. Mail, first class, postage prepaid, to the following person(s) and/or entity(ies) at the address(es) indicated below:

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:

Hillcrest Contracting, Inc.
Attn: Corporate Officer
1467 Circle City Drive
Corona, CA 92879

Hillcrest Contracting, Inc.
c/o Gerald Mouzis, Esq.
Monteleone & McCrory, LLP
200 W. Santa Ana Blvd., Suite 200
Santa Ana, CA 92701

Debtor
James Gianulias/Cameo Homes
Attn: John McFadden
1105 Quail Street
Newport Beach, CA 92660

AMPAM Parks Mechanical, Inc.
c/o Matthew D. Fischer, Esq.
Taubman, Simpson, Young & Sulentor
One World Trade Center, Suite 400
Long Beach, CA 90831

Temecula Valley Erosion Control, Inc.
Attn: Jessica Davis
19011 Mermack Avenue
Lake Elsinore, CA 92632

Geurts Law Firm
Attn: Phillip Geurts, Esq.
4 Park Plaza, Ste. 1025
Irvine, CA 92614

SERVED VIA NOTICE OF ELECTRONIC FILING ("NEF")

- John B Acierno ecfcacb@piteduncan.com
- Jess R Bressi jbreffi@luce.com
- Frank Cadigan frank.cadigan@usdoj.gov
- Jon M Chatalian efile@pbgc.gov, chatalian.jon@pbgc.gov
- Sean T Cork scork@ssd.com
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- Joshua D Wayser joshua.wayser@kattenlaw.com
- Steven Werth swerth@sulmeyerlaw.com, asokolowski@sulmeyerlaw.com
- John H Wunsch sandra.g.mcmasters@wellsfargo.com