

1 William N. Lobel (State Bar No. 093202)
wlobel@thelobelfirm.com
2 Mike D. Neue (State Bar No. 179303)
mneue@thelobelfirm.com
3 THE LOBEL FIRM, LLP
840 Newport Center Drive, Suite 750
4 Newport Beach, California 92660
Telephone: (949) 999-2860
5 Facsimile: (949) 999-2870

6 Alan J. Friedman (State Bar No. 132580)
afriedman@irell.com
7 Kerri A. Lyman (State Bar No. 241615)
klyman@irell.com
8 IRELL & MANELLA LLP
840 Newport Center Drive, Suite 400
9 Newport Beach, California 92660
Telephone: (949) 760-0991
10 Facsimile: (949) 760-5200
Attorneys for Debtors and Debtors-in-Possession
11

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) Case No. 8:08-bk-13150-RK
16 JAMES C. GIANULIAS AND CAMEO) [Substantively Consolidated With:
HOMES, a California corporation,) Case No. 8:08-bk-13151-RK]
17) Chapter 11
18 Debtors and Debtors-in-) **ORDER SUSTAINING DEBTORS'**
Possession.) **SECOND OMNIBUS OBJECTION TO**
19) **INCORRECT CLASSIFICATION OF**
20) **CLAIMS OF:**
21) (1) (1) HILLCREST CONTRACTING,
22) INC. (Claim No. 29);
23) (2) GEURTS LAW FIRM (Claim No.
24) 37);
25) (3) AMPAM PARKS MECHANICAL,
26) INC. (Claim No. 38);
27) (4) TEMECULA VALLEY EROSION
28) 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


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 & McCrory, 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

Lori Gauthier

/s/ Lori Gauthier

Date

Type Name

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 jbreessi@luce.com
- Frank Cadigan frank.cadigan@usdoj.gov
- Jon M Chatalian efile@pbgc.gov, chatalian.jon@pbgc.gov
- Sean T Cork scork@ssd.com
- Paul J Couchot pcouchot@winthropcouchot.com,
pj@winthropcouchot.com;sconnor@winthropcouchot.com
- Melissa Davis mdavis@shbllp.com
- Susan S Davis sdavis@coxcastle.com
- Daniel Denny ddenny@gibsondunn.com
- Lei Lei Wang Ekvall lekvall@wgllp.com
- David K Eldan malvarado@pmcos.com, rpinal@pmcos.com
- Alan J Friedman afriedman@irell.com
- Jose A Garcia ecfcacb@piteduncan.com
- Beth Gaschen bgaschen@wgllp.com
- Robert P Goe kmurphy@goeforlaw.com, rgoe@goeforlaw.com;mforsythe@goeforlaw.com
- Michael J Hauser michael.hauser@usdoj.gov
- Whitman L Holt wholt@stutman.com
- Marsha A Houston mhouston@reedsmith.com
- John J Immordino john.immordino@wilsonelser.com, raquel.burgess@wilsonelser.com
- Lance N Jurich ljurich@loeb.com, kpression@loeb.com
- Bradford Klein brad.e.klein@gmail.com
- Donna L La Porte dlaporte@wrightlegal.net, bkgroup@wrightlegal.net
- Daniel A Lev dlev@sulmeyerlaw.com, asokolowski@sulmeyerlaw.com
- Kerri A Lyman klyman@irell.com
- David F Makkabi cmartin@pprlaw.net
- Robert C Martinez rmartinez@mclex.com
- Andrew K Mauthe mauthelaw@attglobal.net
- Elissa Miller emiller@sulmeyerlaw.com, asokolowski@sulmeyerlaw.com
- Randall P Mroczynski randym@cookseylaw.com
- Mike D Neue mneue@thelobelfirm.com, csolorzano@thelobelfirm.com
- Penelope Parmes pparmes@rutan.com
- Steven G Polard spolard@perkinscoie.com
- Timothy R Pomeroy tpomeroy@klinedinstlaw.com
- Hamid R Rafatjoo hrafatjoo@pszjlw.com, hrafatjoo@pszjlw.com
- Cassandra J Richey cmartin@pprlaw.net
- Christopher O Rivas crivas@reedsmith.com
- Martha E Romero Romero@mromerolawfirm.com
- Anthony J Rothman anthony@arothmanlaw.com
- Victor A Sahn vsahn@sulmeyerlaw.com
- John D Schlotter bkmail@mrdefault.com
- Mark C Schnitzer mschnitzer@rhlaw.com
- Leonard M Shulman lshulman@shbllp.com
- Timothy J Silverman tim@sgsslw.com
- Derrick Talerico dtalerico@loeb.com, kpression@loeb.com;ljurich@loeb.com
- James E Till jtill@milbank.com, CSolorzano@thelobelfirm.com
- James E Till jtill@thelobelfirm.com, CSolorzano@thelobelfirm.com
- United States Trustee (SA) ustpregion16.sa.ecf@usdoj.gov
- Matthew S Walker matthew.walker@pillsburylaw.com,
sue.hodges@pillsburylaw.com;pamela.breeden@pillsburylaw.com
- Joshua D Wayser joshua.wayser@kattenlaw.com
- Steven Werth swerth@sulmeyerlaw.com, asokolowski@sulmeyerlaw.com
- John H Wunsch sandra.g.mcmasters@wellsfargo.com

Imaged Certificate of Service Page 9 of 11

CERTIFICATE OF NOTICE

District/off: 0973-8
Case: 08-13150

User: admin
Form ID: pdf031

Page 1 of 3
Total Noticed: 99

Date Rcvd: Jun 02, 2010

The following entities were noticed by first class mail on Jun 04, 2010.

db +James C Gianulias, 1105 Quail St, Newport Beach, CA 92660-2705
aty +Alan Friedman Irell & Manella, 840 Newport Center Drive, Suite 400,
Newport Beach, CA 92660-6323
aty +Alan J Friedman, 840 Newport Center Dr Ste 400, Newport Beach, CA 92660-6323
aty Andrew K Mauthe, PO Box 51147, Irvine, CA 92619-1147
aty +Anthony J Rothman, Esq., 1901 Avenue of the Stars 2nd Fl, Los Angeles, CA 90067-6001
aty +Beth Gaschen, 650 Town Center Dr Ste 950, Costa Mesa, CA 92626-7021
aty +Bradford Klein, Lanak & Hanna, 400 N Tustin Ave, Ste 120, Santa Ana, CA 92705-3879
aty +Cassandra J Richey, Polk Prober & Raphael ALC, 20750 Ventura Blvd Ste 100,
Woodland Hills, CA 91364-6207
aty Christopher O Rivas, Reed Smith LLP, 355 S Grand Ave Ste 2900, Los Angeles, CA 90071-1514
aty +Daniel A Lev, 333 S Hope St 35th Fl, Los Angeles, CA 90071-1406
aty +Daniel Denny, 333 S Grand Ave, Los Angeles, CA 90071-1504
aty +David F Makkabi, 20750 Ventura Blvd, Ste 100, Woodland Hills, CA 91364-6207
aty +David K Eldan, 555 S Flower St 30th Fl, Los Angeles, CA 90071-2300
aty +Deborah A Winslow, Shermeta Adams & Von Allmen PC, PO Box 80908, Rochester, MI 48308-0908
aty +Donna L La Porte, Wright Finlay & Zak, LLP, 4665 MacArthur Ct Ste 280,
Newport Beach, CA 92660-1811
aty +Elissa Miller, 333 S Hope St 35th Fl, Los Angeles, CA 90071-1406
aty +Hamid R Rafatjoo, Pachulski Stang Ziehl & Jones LLP, 10100 Santa Monica Blvd Ste 1100,
Los Angeles, CA 90067-4111
aty +Houston M Watson, Klinedinst PC, 501 W Broadway Ste 600, San Diego, CA 92101-3584
aty +James E Till, 601 S Figueroa St 30th Fl, Los Angeles, CA 90017-5704
aty +Jess R Bressi, Luce Forward Hamilton & Scripps LLP, 2050 Main St Ste 600,
Irvine, CA 92614-8261
aty +John B Acierno, 4375 Jutland Dr Ste 200, PO Box 17933, San Diego, CA 92177-7921
aty +John D Klinedinst, Klinedinst PC, 501 W Broadway Ste 600, San Diego, CA 92101-3584
aty +John D Schlotter, Aldridge Connors LLP, 780 Johnson Ferry Rd Ste 600,
Atlanta, GA 30342-1439
aty +John H Wunsch, Wells Fargo Bank NA, 21680 Gateway Center Dr Ste 280,
Diamond Bar, CA 91765-2456
aty +John J Immordino, ESQ, 1055 W. Seventh St Ste 2700, Los Angeles, CA 90017-2553
aty Jon M Chatalian, Office of the Chief Counsel, 1200 K St., N.W., Washington, DC 20005-4026
aty +Jose A Garcia, 4375 Jutland Dr Ste 200, San Diego, CA 92117-3600
aty Joshua D Wayser, 2029 Century Park East, Ste 2600, Los Angeles, CA 90067-3012
aty +Lanak & Hanna P C, 400 N Tustin Ave, Santa Ana, CA 92705-3813
aty Lance N Jurich, Loeb & Loeb LLP, 10100 Santa Monica Blvd, Ste.2200,
Los Angeles, CA 90067-4120
aty +Lei Lei Wang Ekvall, Weiland, Golden, et al., 650 Town Center Drive, Suite 950,
Costa Mesa, CA 92626-7021
aty +Lei Lei Wang Ekvall, 650 Town Center Drive Ste 950, Costa Mesa, CA 92626-7021
aty +Leonard M Shulman, Shulman Hodges & Bastian LLP, 26632 Towne Ctr Dr Ste 300,
Foothill Ranch, CA 92610-2814
aty +Lori Scott, 1301 Fifth Ave Ste 3100, Seattle, WA 98101-2649
aty Mark C Schnitzer, Reid & Hellyer APC, P O Box 1300, Riverside, CA 92502-1300
aty +Marsha A Houston, 355 S Grand Ave Ste 2900, Los Angeles, CA 90071-1514
aty +Martha E Romero, Romero Law Firm, 6516 Bright Ave, Whittier, CA 90601-4503
aty +Matthew S Walker, 12255 El Camino Real Ste 300, San Diego, CA 92130-4088
aty +Melissa Davis, 26632 Towne Centre Dr Ste 300, Foothill Ranch, CA 92610-2814
aty +Michael J Hauser, 411 W Fourth St #9041, Santa Ana, CA 92701-8000
aty +Mike D Neue, 840 Newport Center Dr Ste 750, Newport Beach, CA 92660-6364
aty +Paul J Couchot, Winthrop Couchot PC, 660 Newport Ctr Dri Ste 400,
Newport Beach, CA 92660-6427
aty +Penelope Parmes, Rutan & Tucker LLP, 611 Anton Blvd Fourteenth Flr,
Costa Mesa, CA 92626-7005
aty +Peter L Duncan, 401 B St Ste 1500, San Diego, CA 92101-4238
aty Randall P Mroczynski, Cooksey Toolen Gage Duffy & Woog, 535 Anton Blvd 10th Fl,
Costa Mesa, CA 92626-1947
aty Robert C Martinez, 460 N Magnolia Ave, Drawer 1466, El Cajon, CA 92022-1466
aty +Robert P Goe, Goe & Forsythe, LLP, 18101 Von Karman Ave Ste 510, Irvine, CA 92612-7127
aty +Steven G Polard, 1620 26th St Ste 600 S Tower, Santa Monica, CA 90404-4075
aty +Steven Werth, SulmeyerKupetz, 333 S Hope St, 35th Flr, Los Angeles, CA 90071-1406
aty Susan S Davis, 2049 Century Park East Ste 2800, Los Angeles, CA 90067-3284
aty +Timothy J Silverman, Solomon Grindle Silverman & Spinell, 12651 High Bluff Dr Ste 300,
San Diego, CA 92130-2023
aty +Timothy R Pomeroy, Klinedinst PC, 501 W Broadway Ste 600, San Diego, CA 92101-3584
aty Victor A Sahn, 333 S Hope St 35th Fl, Los Angeles, CA 90071-1406
aty +Whitman L Holt, 1901 Ave of the Stars 12th Flr, Los Angeles, CA 90067-6001
ust +United States Trustee (SA), 411 W Fourth St., Suite 9041, Santa Ana, CA 92701-8000
cr +Arch Insurance Company, 135 North Los Robles Ave Suite 825, Pasadena, CA 91101-4531
cr +BAC Home Loans Servicing, LP, 7105 Corporate Drive, PTX-B-35, Plano, TX 75024-4100
consult +BMC Group Inc, 444 N. Nash Street, El Segundo, CA 90245-2822
cr +California Bank & Trust, c/o Peter L. Duncan, Esq., Pyle Sims Duncan & Stevenson, APC,
401 B Street, Suite 1500, San Diego, CA 92101-4238
ptcrd +California National Bank, 221 South Figueroa Street, Los Angeles, CA 90012-2524
intp +Cameo Homes, 1105 Quail St, Newport Beach, CA 92660-2705
cr +Capital Drywall, LP, c/o Hines Smith Carder, 3080 Bristol St Ste 540,
Costa Mesa, CA 92626-7321
intp +Charlene H. Immell, Trustees of the M and C Immell Trust, c/o Michael W. Immell,
611 Anton Blvd., 14th Floor, Costa Mesa, CA 92626-7681
cr +Chase Home Finance LLC - OHIO, its successors and/, 4375 Jutland Drive, Suite 200,
P.O. Box 17933, San Diego, CA 92177-7921
cr +Clarke Masonry, Inc., Lanak & Hanna PC, 625 The City Dr S Ste 190, Orange, CA 92868-4983

District/off: 0973-8
Case: 08-13150

User: admin
Form ID: pdf031

Page 2 of 3
Total Noticed: 99

Date Rcvd: Jun 02, 2010

sp +Croudace & Dietrich LLP, 4750 Von Karman Avenue, Newport Beach, CA 92660-2123
intp +DAHL California, LLC, c/o Hamid R. Rafatjoo, Pachulski Stang Ziehl & Jones LLP,
10100 Santa Monica Blvd., 11th Floor, Los Angeles, CA 90067-4003
fa +FTI CONSULTING INC, 633 West 5th Street, 16th Fl, Los Angeles, CA 90071-2005
ptcrd +Famille Holdings L.P., 27675 Chapala, Mission Viejo, CA 92692-1236
cr +Gateway Insulation, Inc., c/o Hines Smith Carder, 3080 Bristol St Ste 540,
Costa Mesa, CA 92626-7321
cr +Gateway Plastering, Inc., c/o Hines Smith Carder, 3080 Bristol St Ste 540,
Costa Mesa, CA 92626-7321
fa +Glassrathner Advisory & Capital Group LLC, 18500 Von Karman Ave Ste 390, Irvine, CA 92612-0528
acc +Haskell & White LLP, 16485 Laguna Canyon Road, Third Floor, Irvine, CA 92618-3837
intp +Lantex Landscape Architecture Inc, 28052 Camino Capistrano Ste 211,
Laguna Niguel, CA 92677-1107
cr +Linda Watanabe-Mitchell, David Evans and Associates Inc, 320 SW Upper Terrace Dr Ste 200,
Bend, OR 97702-1384
intp +Lucas Companies, Robert P. Goe, GOE & FORSYTHE, LLP, 660 Newport Center Drive, Suite 320,
Newport Beach, CA 92660-6499
ptcrd +M.W. Housing Partners III LP, c/o Perkins Coie LLP, 1620 26th St 6th Fl,
Santa Monica, CA 90404-4075
cr +Marilyn Robbins Gianulias, c/o Rutan & Tucker LLP, 611 Anton Blvd Ste 1400,
Costa Mesa, CA 92626-1931
cr +Mercedes-Benz Credit Corporation, c/o Shermeta, Adams & Von Allmen, P.C., P.O. Box 80908,
Rochester Hills, MI 48308-0908
intp +Michael W. Immell, Michael W. Immell and Charlene H. Immell,
as trustees of the M and C Immell Trust, c/o Michael W. Immell, 611 Anton Blvd., 14th Floor,
Costa Mesa, CA 92626-7681
cr +National Bank of Arizona, a national banking assoc, Wright, Finlay & Zak, LLP,
4665 MacArthur Court, Ste 280, Newport Beach, CA 92660-1811
cr +PNC Bank, National Association, Polsinelli Shalton Flanigan Suelthaus PC, Daniel J Flanigan,
700 W 47th St Ste 1000, Kansas City, MO 64112-1805
cr +Pacific Mercantile Bank, c/o Shulman Hodges & Bastian LLP, 26632 Towne Centre Drive,
Suite 300, Foothill Ranch, CA 92610-2814
cr +Pacific Western Bank, c/o David K. Eldan, Esq., Parker, Milliken, et al.,
555 S. Flower St., 30th Fl., Los Angeles, CA 90071-2300
intp +Phillip and Janet Hamilton, Co-Trustees of Hamilton Family Trust, c/o Phillip D. Hamilton,
760 West 16th Street, Suite C, Costa Mesa, CA 92627-4319
cr +Riverside County Treasurer - Tax Collector Paul Mc, Romero Law Firm,
BMR Professional Building, 6516 Bright Ave., Whittier, CA 90601-4503
intp Squire, Sanders & Dempsey LLP, Patrick Fields, 555 S. Flower Street, 31st Floor,
Los Angeles, CA 90071-2300
intp +Squire, Sanders & Dempsey LLP, Sean T. Cork, 40 N. Central Ave., #2700,
Phoenix, AZ 85004-4498
sp +Stutman Treister & Glatt Professional Corporation, 1901 Avenue of the Stars 12th Floor,
Los Angeles, CA 90067-6001
sp +The Lobel Firm, LLP, 840 Newport Center Dr Ste 750, Newport Beach, CA 92660-6364
cr +Universal Bank, c/o Anthony Rothman, Rothman Law Offices, 1901 Avenue of the Stars,
2nd Floor, Los Angeles, CA 90067-6001
cr +Victor J Mahony, 2700 E. Adams Avenue, Orange, CA 92867-6240
cr +WELLS FARGO HOME MORTGAGE, PITE DUNCAN, LLP, 4375 Jutland Drive, Suite 200, P.O Box 17933,
San Diego, CA 92177-7921
cr Wachovia Bank, National Association, c/o Reed Smith LLP, 355 South Grand Avenue, Suite 2900,
Los Angeles, CA 90071-1514
cr +Wells Fargo Bank, National Association, Office of the General Counsel, John H. Wunsch,
Wells Fargo & Company, 21680 Gateway Center Dr, Ste 280, Diamond Bar, CA 91765-2456
cr +c/o Susan S Davis Laing/Sequoia Partners LLC, Cox Castle & Nicholson LLP,
2049 Century Park East Suite 2800, Los Angeles, CA 90067-3284
cr +c/o Susan S Davis South Banning Properties LLC, Cox Castle & Nicholson,
2049 Century Park East Suite 2800, Los Angeles, CA 90067-3284

The following entities were noticed by electronic transmission on Jun 03, 2010.

aty +E-mail/Text: dtalerico@loeb.com Derrick Talerico,
10100 Santa Monica Blvd, Los Angeles, CA 90067-4003
aty +E-mail/Text: KLYMAN@IRELL.COM Kerri A Lyman,
840 Newport Center Dr Ste 400, Newport Beach, CA 92660-6323

TOTAL: 2

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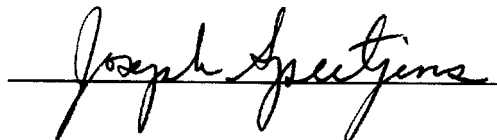
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I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 9): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jun 04, 2010

Signature:

A handwritten signature in black ink, reading "Joseph Speetjens", written over a horizontal line.