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

16 In re  
17 JAMES C. GIANULIAS, and CAMEO  
HOMES, a California corporation,

18  
19 Reorganized Debtors.

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

) Chapter 11

) **DEBTORS' NOTICE OF ELECTION**  
) **UNDER FOURTH AMENDED PLAN OF**  
) **REORGANIZATION (DATED MAY 27,**  
) **2010), AS MODIFIED, RELATING TO**  
) **CLASS 1C - SECURED CLAIMS OF**  
) **NATIONAL BANK OF ARIZONA**

) [No Hearing Required]  
)

23  
24 **PLEASE TAKE NOTICE** that James C. Gianulias (“Gianulias”) and Cameo Homes, a  
25 California corporation (“Cameo”), the reorganized debtors herein (the “Debtors”) hereby elect,  
26 pursuant to the terms of their confirmed Fourth Amended Plan of Reorganization (Dated May 27,

2010), as Modified ("Plan"), to surrender to the holder of the Allowed Class 1C (Secured Claims  
of National Bank of Arizona) such property as may be security and collateral for its Claim.<sup>1</sup>

Dated: September 8, 2010.

IRELL & MANELLA LLP

By: Kerri A. Lyman  
Alan J. Friedman  
Kerri A. Lyman  
IRELL & MANELLA LLP

Attorneys for Reorganized Debtors

-and-

William N. Lobel  
Mike D. Neue  
THE LOBEL FIRM, LLP

Attorneys for Reorganized Debtors

<sup>1</sup> To the extent such property has not already been surrendered pursuant to the Order Granting Motion for Relief entered on September 16, 2009, a copy of which is attached as Exhibit "1".

Attorney or Party Name, Address, Telephone & Fax Numbers, and California State Bar Number <b>Wright, Finlay &amp; Zak, LLP</b> Donna L. LaPorte, Esq. SBN 93428 Nichole L. Glowin, Esq. SBN 262932 4665 MacArthur Court, Ste. 280 Newport Beach, CA 92660 Tel: 949-477-5050 Fax: 949-477-9200 <input type="checkbox"/> Individual appearing without counsel <input checked="" type="checkbox"/> Attorney for Movant: National Bank of Arizona, a national banking association	FOR COURT USE ONLY <div style="border: 1px solid black; padding: 5px; text-align: center;"> <b>FILED &amp; ENTERED</b>  <div style="border: 1px solid black; padding: 10px; margin: 10px 0;"> <b>SEP 16 2009</b> </div>         CLERK U.S. BANKRUPTCY COURT          Central District of California          BY mccall DEPUTY CLERK       </div> CHANGES MADE BY COURT		
<b>UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA</b>	<table border="1" style="width: 100%;"> <tr> <td data-bbox="943 619 1539 724">           CHAPTER: 11             CASE NO.: 8:08-13150-RK         </td> </tr> <tr> <td data-bbox="943 724 1539 842">           DATE: 9/8/09            TIME: 10:30 am            CTRM: 5D            FLOOR: 5th         </td> </tr> </table>	CHAPTER: 11  CASE NO.: 8:08-13150-RK	DATE: 9/8/09 TIME: 10:30 am CTRM: 5D FLOOR: 5th
CHAPTER: 11  CASE NO.: 8:08-13150-RK			
DATE: 9/8/09 TIME: 10:30 am CTRM: 5D FLOOR: 5th			
In re:  JAMES C. GIANULIAS   <div style="text-align: right;">Debtor(s).</div>			

**ORDER GRANTING MOTION FOR RELIEF FROM THE AUTOMATIC STAY  
UNDER 11 U.S.C. § 362 (Real Property)  
(MOVANT: National Bank of Arizona, a national banking association)**

1. The Motion was: ☐ Contested ☒ Uncontested ☐ Settled by Stipulation
2. The Motion affects the following real property ("Property"):

Street Address: 12553 Settlers Lane  
 Apartment/Suite No.:  
 City, State, Zip Code: Truckee, California 96161

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

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE TOWN OF TRUCKEE, COUNTY OF NEVADA, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:  
 Lot R38 of Old Greenwood Phase 1 as per map recorded November 3, 2003, in Book 8 of Subdivisions, at Page 111, Nevada County Records.

☐ See attached page.

3. The Motion is granted under: ☒ 11 U.S.C. § 362(d)(1) ☒ 11 U.S.C. § 362(d)(2) ☐ 11 U.S.C. § 362(d)(3)  
☐ 11 U.S.C. § 362(d)(4)
4. As to Movant, its successors, transferees and assigns ("Movant"), the stay of 11 U.S.C. § 362(a) is:
- ☒ Terminated as to Debtor(s) and Debtor's(s') bankruptcy estate.
  - ☐ Annulled retroactively to the date of the bankruptcy petition filing.
  - ☐ Modified or conditioned as set forth in Exhibit \_\_\_\_\_ to this Order.
5. ☒ Movant may enforce its remedies to foreclose upon and obtain possession of the Property in accordance with applicable non-bankruptcy law, but may not pursue any deficiency claim against the Debtor(s) or property of the estate except by filing a Proof of Claim pursuant to 11 U.S.C. § 501.

(This Order is continued on next page)

**F 4001-10.RP**

## Order on Motion for Relief from Stay (Real Property) – Page 2 of 5

In re:  
JAMES C. GIANULIAS

Debtor(s).

CHAPTER 11

CASE NUMBER 08-13150-RK

6. ☐ Movant shall not conduct a foreclosure sale before the following date (*specify*):
7. ☐ The stay shall remain in effect subject to the terms and conditions set forth in the Adequate Protection Attachment to this Order.
8. ☐ In chapter 13 cases, the trustee shall not make any further payments on account of Movant's secured claim after entry of this Order. The secured portion of Movant's claim is deemed withdrawn upon entry of this Order without prejudice to Movant's right to file an amended unsecured claim for any deficiency. Absent a stipulation or order to the contrary, Movant shall return to the trustee any payments received from the trustee on account of Movant's secured claim after entry of this Order.
9. The filing of the petition was part of a scheme to delay, hinder and defraud creditors that involved either:
- ☐ transfer of all or part ownership of, or other interest in, the Property without the consent of the secured creditor or court approval.
- ☐ multiple bankruptcy filings affecting the Property.

If recorded in compliance with applicable state laws governing notices of interest or liens in the Property, this Order is binding and effective under 11 U.S.C. § 362(d)4(A) and (B) in any other bankruptcy case purporting to affect the Property filed not later than two (2) years after the date of entry of this Order, except that a debtor in a subsequent bankruptcy case may move for relief from this Order based upon changed circumstances or for good cause shown, after notice and a hearing. Any federal, state or local governmental unit that accepts notices of interests or liens in real property shall accept a certified copy of this Order for indexing and recording.

## 10. This Court further orders as follows:

- a. ☒ This Order shall 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. ☒ The 10-day stay provided by Bankruptcy Rule 4001(a)(3) is waived.
- c. ☐ The provisions set forth in the Extraordinary Relief Attachment shall also apply (*attach Optional Form F 4001-10-ER*).
- d. ☐ See attached continuation page for additional provisions.

###

DATED: September 16, 2009



United States Bankruptcy Judge

**F 4001-10.RP**

Exhibit

Page

1  
4

In re: JAMES C. GIANULIAS	Debtor(s).	CHAPTER: 11	CASE NUMBER: 08-13150-RK
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**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:  
4665 MacArthur Court, Ste 280, Newport Beach, Ca 92660

A true and correct copy of the foregoing document described ORDER GRANTING MOTION FOR RELIEF FROM THE AUTOMATIC STAY UNDER 11 U.S.C. § 362 (REAL PROPERTY)

\_\_\_\_\_ 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 9/11/09 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.

Honorable Robert Kwan

☒ 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.

9/11/09

Date

Jennifer Nguyen

Type Name

/s/ Jennifer Nguyen

Signature

In re:  
JAMES C. GIANULIAS

Debtor(s).

CHAPTER: 11

CASE NUMBER: 08-13150-RK

**ADDITIONAL SERVICE INFORMATION (**

James C. Gianulias  
1105 Quail St.  
Newport Beach, CA 92660

Capital Drywall, LP  
c/o Hines Smith Carder  
3080 Bristol St Ste 540  
Costa Mesa, CA 92626

Peter L Duncan  
401 B St Ste 1500  
San Diego, CA 92101

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

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

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  
840 Newport Center Drive Ste 750  
Newport Beach, CA 92660

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 & Dempsey 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

In re:  
JAMES C. GIANULIAS

Debtor(s).

CHAPTER: 11

CASE NUMBER: 08-13150-RK

## NOTICE OF ENTERED ORDER AND SERVICE LIST

Notice is given by the court that a judgment or order entitled (*specify*) **ORDER GRANTING MOTION FOR RELIEF FROM THE AUTOMATIC STAY UNDER 11 U.S.C. § 362 (REAL PROPERTY)** 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 **September 16, 2009**, 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.

- Michael J Hauser michael.hauser@usdoj.gov
- Alan J Friedman afriedman@irell.com
- James E Till jtill@thelobelfirm.com, CSolorzano@thelobelfirm.com
- Mike D Neue mneue@thelobelfirm.com, csolorzano@thelobelfirm.com
- Kerri A Lyman klyman@irell.com
- Donna L La Porte vcorbin@wrightlegal.net, gtran@wrightlegal.net

☐ 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 St  
Newport 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:

☐ Service information continued on attached page

**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 **DEBTORS' NOTICE OF ELECTION UNDER FOURTH AMENDED PLAN OF REORGANIZATION (DATED MAY 27, 2010), AS MODIFIED, RELATING TO CLASS 1C - SECURED CLAIMS OF NATIONAL BANK OF ARIZONA** 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 September 8, 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 September 8, 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 September 8, 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.*

**CAUSED TO BE SERVED VIA PERSONAL DELIVERY/MESSENGER**

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.

9/8/10

Date

Lori Gauthier

Type Name

/s/ Lori Gauthier

Signature



**SERVED VIA NOTICE OF ELECTRONIC FILING ("NEF")**

- John B Acierno ecfcacb@piteduncan.com
- Jess R Bressi jbressi@luce.com
- Frank Cadigan frank.cadigan@usdoj.gov
- Jon M Chatalian efile@pbgc.gov, chatalian.jon@pbgc.gov
- Deborah Conley bkmail@prommis.com
- Sean T Cork scork@ssd.com
- Paul J Couchot pcouchot@winthropcouchot.com,  
pj@winthropcouchot.com; sconnor@winthropcouchot.com
- Melissa Davis mdavis@shbllp.com
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- Daniel A Lev dlev@sulmeyerlaw.com, asokolowski@sulmeyerlaw.com
- Kerri A Lyman klyman@irell.com
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- Robert C Martinez rmartinez@mclex.com
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- Penelope Parmes pparmes@rutan.com
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- Timothy J Silverman tim@sgsslaw.com
- Derrick Talerico dtalerico@loeb.com, kpesson@loeb.com; ljurich@loeb.com

- James E Till jtill@milbank.com,  
jmattiace@thelobelfirm.com;pnelson@thelobelfirm.com
- James E Till jtill@thelobelfirm.com,  
jmattiace@thelobelfirm.com;pnelson@thelobelfirm.com
- United States Trustee (SA) ustpreion16.sa.ecf@usdoj.gov
- Matthew S Walker matthew.walker@pillsburylaw.com,  
sue.hodges@pillsburylaw.com;pamela.breeden@pillsburylaw.com
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- Steven Werth swerth@sulmeyerlaw.com, asokolowski@sulmeyerlaw.com
- Deborah A Winslow ecf@shermeta.com
- John H Wunsch sandra.g.mcmasters@wellsfargo.com

**SERVED VIA FIRST-CLASS MAIL**

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Attn: Richard J. Ellis  
6001 N. 24th Street  
Phoenix, AZ 85016-2040

National Bank of Arizona  
c/o Wright, Finlay & Zak LLP  
Attn: Donna L. LaPorte, Esq.  
Nichole L. Glowin, Esq.  
4665 MacArthur Court, Ste. 280  
Newport Beach, CA 92660