## Exhibit A

1	Samuel A. Schwartz, Esq. Nevada Bar No. 10985	
2	Bryan A. Lindsey, Esq.	
2	Nevada Bar No. 10662	
3	Schwartz Flansburg PLLC   6623 Las Vegas Blvd. South, Suite 300	
4	Las Vegas, Nevada 89119	
5	Telephone: (702) 385-5544 Facsimile: (702) 385-2741	
6	Attorneys for the Chapter 7 Trustee, Victoria L. Nelson	
7	UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF NEVADA	
8	In re:	) Case No.: 15-10110-LED
9	AMERI-DREAM REALTY, LLC,	) Chapter 7
11	Debtor.	) ) )
12	VICTORIA NELCON In hon Composito An The	) Adv. No.: 15-01087-LED
13	VICTORIA NELSON, In her Capacity As The Chapter 7 Trustee of AMERI-DREAM REALTY, LLC,	) )
14		, )
15	Plaintiff, v.	) Hearing Date: October 26, 2015 ) Hearing Time: 1:30 p.m.
16	ELSIE PELADAS-BROWN,	) )
17	Defendant.	) )
		)
19 20	DECLARATION OF VICTORIA L. NELSON IN SUPPORT OF <u>PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT</u>	
21	Victoria L. Nelson, being duly sworn, deposes and says in her capacity as the Chapter 7	
22	Trustee:	*
23	1. I am the Chapter 7 Trustee in the above-referenced Chapter 7 bankruptcy case and	
<ul><li>24</li><li>25</li></ul>	the Plaintiff in this Adversary Proceeding.	
26	2. I am over the age of 18, mentally competent, and unless otherwise indicated, I have	
27	personal knowledge of the facts set forth herein.	
	11	

## **UNDISPUTED FACTS**

- 3. In 2014, Elsie Peladas-Brown (the "**Defendant**") was a member, manager and property manager of Ameri-Dream Realty, LLC (the "**Company**"), a real estate sales and property management company based in Las Vegas, Nevada, prior to filing for relief under Chapter 7 of the United States Bankruptcy Code. The Company was family owned and operated prior to its collapse. The Defendant was a member and manager of the Company for all time periods that are the subject of this lawsuit.
- 4. The Company is domiciled in the State of Nevada and conducted significant business activities in the District of Nevada. The Defendant is believed to be a resident of the State of Nevada, but upon information and belief, fled to the Philippines.
- I am the Court-appointed Trustee over the Company in Case No. 15-10110-LED,
  United States Bankruptcy Court, for the District of Nevada (the "Action").
- 6. As part of its business, the Company managed residential rental properties (the "Business"). In the normal course of its Business, the Company received and held rental security deposits on behalf of its customers' tenants. At the time of the wrongful actions asserted herein, the Company held in excess of \$1,200,000 of tenant security deposit money (the "Security Deposits").
- 7. In late March of 2014, the Company discovered that significant funds were missing from the bank account designated to hold tenant security deposits. At the time of the theft, the Company held security deposits for more than 1,000 tenants.
- 8. The Defendant orchestrated various unauthorized transactions, unbeknownst to the Company or her co-manager and husband, John M. Brown ("Mr. Brown"), which transactions included the wire transfers of the majority of the Security Deposits to the Philippines.

- 9. I understand the Security Deposits were disbursed in the Philippines and are likely not recoverable. The Defendant disbursed the Security Deposits to friends and family in need after the damage caused by Typhoon Haiyan in November of 2013. Typhoon Haiyan was reported to be one of the strongest storms ever recorded, with winds reaching or exceeding 195 miles per hour.
- 10. Based upon my research and investigation, neither the Company nor Mr. Brown had any knowledge of the Defendant's scheme, and on May 4, 2015, Mr. Brown was divorced from the Defendant. The divorce decree, which was uncontested, requires the Defendant to indemnify Mr. Brown and the Company from any claims of embezzlement or theft relating to the loss of the Security Deposits. Mr. Brown has not been charged with a crime in this matter, and I understand he is available to testify if called as a witness.
- 11. At all times relevant to this Complaint, the Defendant was a member, manager and the property manager for the Company. The Defendant was also a licensed real estate agent and property manager in the State of Nevada, and a member of the Greater Association of Las Vegas Realtors.
- 12. As a licensed realtor and property manager in the State of Nevada, the Defendant is charged with the knowledge and responsibility of safeguarding the Security Deposits. It is undeniable in light of the Defendant's licenses that she knew sending the Security Deposits to the Philippines would be a violation of the law, and would cause her to lose her real estate licenses, which licenses are now inactive. The Defendant also knew she had a duty to manage the Security Deposits prudently and in a fashion that minimized risk.
- 13. In sum, the Defendant had the knowledge and the motive to breach her fiduciary duties to the Company, its customers and its tenants, and in fact did breach such duties by secretly transferring the Security Deposits to the Philippines. The transfers of the Security Deposits were

## Case 15-01087-led Doc 18-1 Entered 10/08/15 12:58:14 Page 5 of 5

made for no consideration at all, and the Defendant understood the Security Deposits could not possibly be repaid.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated this 28th day of August, 2015.

Victoria L. Welson, as the Chapter 7 Trustee

1 2