

<p>Attorney or Party Name, Address, Telephone &amp; FAX Nos., State Bar No. &amp; Email Address Weneta M.A. Kosmala Chapter 7 Bankruptcy Trustee 3 MacArthur Place, Suite 760 Santa Ana, CA 92707 Tel: 714-708-8190 Fax: 714-509-1760 Email: weneta.kosmala@7trustee.net</p> <p><input type="checkbox"/> Debtor(s) appearing without an attorney <input type="checkbox"/> Attorney for Debtor(s)</p>	<p>FOR COURT USE ONLY</p>
<p><b>UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA - SANTA ANA DIVISION</b></p>	
<p>In re: THE TULVING COMPANY, INC.,</p> <p style="text-align: right;">Debtor(s).</p>	<p>CASE NO.: 8:14-bk-11492-ES CHAPTER: 7</p> <p style="text-align: center;"><b>NOTICE OF MOTION AND MOTION FOR APPROVAL OF CASH DISBURSEMENTS BY THE TRUSTEE</b></p> <p style="text-align: center;"><b>[LBR 2016-2]</b></p> <p style="text-align: center;">[No hearing unless requested under LBR 9013-1(o)]</p>

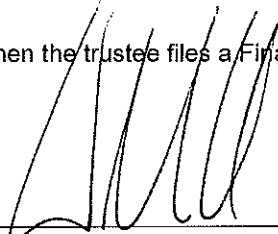
PLEASE TAKE NOTICE that the duly-appointed chapter 7 trustee filed the following motion for court approval of the trustee's request to make cash disbursements. The court may grant the motion without a hearing unless you file, and serve on the trustee and the United States trustee, a written opposition to the motion explaining all of the reasons for the opposition WITHIN 14 DAYS AFTER THE DATE OF SERVICE OF THIS NOTICE OF MOTION AND MOTION, plus 3 additional days if you were served by mail, electronically, or pursuant to F.R.Civ.P. 5(b)(2)(D), (E), or (F). If an opposition is timely filed, the trustee will set the matter for hearing and notify you of the date and time of the hearing. Failure to file an opposition may be deemed consent to interim authorization of the expenses requested by the trustee.

The trustee moves for an order authorizing cash disbursements from property of the estate as follows:

1. A brief summary of the case is attached as Exhibit A.
2. The estimated date for submitting a final report is 10/31/2018.
3. Cash disbursements period: \_\_\_\_\_ to \_\_\_\_\_.
4. A detailed analysis and justification of the trustee's expenses is included in Exhibit B.

5. Final approval of all expenditures will be sought when the trustee files a Final Account and Report (including those paid in accordance with LBR 2016-2).

Date: 08/01/2017



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*Signature of the chapter 7 trustee or the trustee's attorney*

Weneta M.A. Kosmaia, Chapter 7 Trustee  
*Printed name of the chapter 7 trustee or the trustee's attorney*

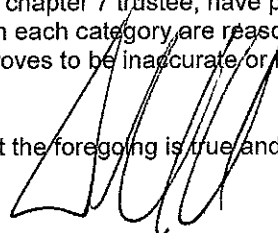
**DECLARATION OF TRUSTEE**

I, Weneta M.A. Kosmala, the duly appointed chapter 7 trustee, have prepared the foregoing motion to make cash disbursements and believe the amounts specified in each category are reasonable and necessary for an effective and efficient administration of the estate. If this motion proves to be inaccurate or infeasible, I will submit corrected motions as necessary.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

08/01/2017  
*Date*

Weneta M.A. Kosmala, Chapter 7 Trustee  
*Printed Name*

  
*Signature*

**EXHIBIT "A"**

**SUMMARY/STATUS OF CASE:**

This cash disbursement motion is filed pursuant to LBR 2016-2 of the United States Bankruptcy Court, Central District of California.

Through review of the Debtor's schedules, information obtained from creditors or information obtained at the Debtor's 341(a) meeting or otherwise, this case appears to have assets and/or potential avoidance actions that may be liquidated for the benefit of creditors.

*Insert specific facts of case:*

The Debtor initiated this case by the filing of a Chapter 11 Petition on March 10, 2014, shortly thereafter, Trustee R. Neilson was appointed as Chapter 11 Trustee on March 21, 2014 and on May 29, 2014 the case was converted to one under Chapter 7. Effective April 1, 2016, Trustee R. Neilson resigned and Weneta M.A. Kosmala was appointed as successor Chapter 7 Trustee ("Trustee") for the bankruptcy estate of The Tulving Company, Inc. ("Debtor").

Trustee has paid the CA Franchise Tax Board \$800 for tax year ending 2016; however penalties have been applied for the late filing in the amount of \$57.41 due on 08/07/2017 however an additional penalty may be applied to the late payment of the penalties, therefore, Trustee requests to pay the CA Franchise Tax Board up to \$200 for for any prior post petition tax year penalties that may be assessed. Trustee anticipates that this case will be administered into 2018 and requests authority to pay the CA Franchise Tax Board \$800 for 2018 estate administrative tax in order to avoid any interest or penalties.

Trustee has been advised that the Debtor has an amount due for Corporate Statement of Information Forms that were not filed with the CA Secretary of State and estimates that the fees could be as little as \$25 however, in an abundance of caution, Trustee is requesting an amount of \$500 payable to the CA Secretary of State for any fees and penalties due for the administration of this case.

**EXHIBIT "B"**

**Estimated Recurring Monthly Expenses During the Cash Disbursement Period:**

- \$ \_\_\_\_\_ Rent or Mortgage Payment
- \$ \_\_\_\_\_ Property Tax
- \$ \_\_\_\_\_ Insurance
- \$ \_\_\_\_\_ Utilities
- \$ \_\_\_\_\_ Repair and Maintenance
- \$ \_\_\_\_\_ Property Management
- \$ \_\_\_\_\_ Security Services
- \$ \_\_\_\_\_ Advertising Sale of Assets
- \$ \_\_\_\_\_ Actual Cost of Noticing, Copying and Postage
- \$ \_\_\_\_\_ Storage of Estate Assets and/or Books and Records
- \$ \_\_\_\_\_ Long Distance Telephone
- \$ \_\_\_\_\_ Expedited Mail
- \$ \_\_\_\_\_ Teletransmission
- \$ \_\_\_\_\_ Delivery of Documents
- \$ \_\_\_\_\_ Filing and Process Serving
- \$ \_\_\_\_\_ Bank Charges for Research and/or Copies
- \$ \_\_\_\_\_ Clerk's Charges
- \$ \_\_\_\_\_ Court Reporting Fees
- \$ \_\_\_\_\_ Witness Fees
- \$ \_\_\_\_\_ Transcript Fees
- \$ \_\_\_\_\_ Notary Fees
- \$ \_\_\_\_\_ Recording Fees
- \$ \_\_\_\_\_ Trustee Travel and Lodging (includes lodging, meals, mileage and parking)
- \$ \_\_\_\_\_ Other: \_\_\_\_\_
- \$ \_\_\_\_\_ Other: \_\_\_\_\_

\$ \_\_\_\_\_ Other: \_\_\_\_\_

\$ \_\_\_\_\_ Other: \_\_\_\_\_

\$ \_\_\_\_\_ Other: \_\_\_\_\_

**Total:** \$ 0.00 \_\_\_\_\_ Estimated Recurring Monthly Expenditures During the Cash Disbursement Period

**Total Estimated Other Expenses During the Cash Disbursement Period for Which Court Approval is Sought at this Time:**

\$ \_\_\_\_\_ Locksmith Services

\$ \_\_\_\_\_ Initial Moving and Storage Costs; Books and Records and/or Property of the Estate

\$ \_\_\_\_\_ Advertising Sale of Assets

\$ \_\_\_\_\_ Books and Records Destruction Costs

\$ 800.00 \_\_\_\_\_ Postpetition taxes payable pursuant to 11 U.S.C. § 503 (b)(1)(B), but not  
preconversion taxes

\$ \_\_\_\_\_ Prepetition taxes payable pursuant to 11 U.S.C. § 507(a)(2)

\$ 200.00 \_\_\_\_\_ Other: Interest, and Penalties for any post petition tax

\$ 500.00 \_\_\_\_\_ Other: CA SOS Corp. Statement of Information fees

\$ \_\_\_\_\_ Other: \_\_\_\_\_

**Total:** \$ 1,500.00 \_\_\_\_\_ Estimated Other Expenses During the Cash Disbursement Period

The foregoing expenditures are justified by the following facts:

The Debtor initiated this case by the filing of a Chapter 11 Petition on March 10, 2014, shortly thereafter, Trustee R. Neilson was appointed as Chapter 11 Trustee on March 21, 2014 and on May 29, 2014 the case was converted to one under Chapter 7. Effective April 1, 2016, Trustee R. Neilson resigned and Weneta M.A. Kosmala was appointed as successor Chapter 7 Trustee ("Trustee") for the bankruptcy estate of The Tulving Company, Inc. ("Debtor").

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## 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:  
3 MacArthur Place, Suite 760  
Santa Ana, CA 92707

A true and correct copy of the foregoing document entitled: **NOTICE OF MOTION AND MOTION UNDER LBR 2016-2 FOR APPROVAL OF CASH DISBURSEMENTS BY THE TRUSTEE; OPPORTUNITY TO REQUEST HEARING; AND DECLARATION OF TRUSTEE** 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 stated below:

**1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On *(date)* 08/03/2017, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

Service information continued on attached page

**2. SERVED BY UNITED STATES MAIL:**

On *(date)* 08/03/2017, I served the following persons and/or entities at the last known addresses 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 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

**3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL** (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on *(date)* \_\_\_\_\_, I served the following persons and/or entities by personal delivery, overnight mail service, 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, or overnight mail to, 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 that the foregoing is true and correct.

08/03/2017  
Date

Janine Fountain  
Printed Name

/s/ Janine Fountain  
Signature

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This form is optional. It has been approved for use in the United States Bankruptcy Court for the Central District of California.

**ADDITIONAL SERVICE INFORMATION (if needed):**

**1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (“NEF”):**

- Wesley H Avery wavery@thebankruptcylawcenter.com, lucy@averytrustee.com
- Candice Bryner candice@brynerlaw.com
- Philip Burkhardt phil@burkhardtandlarson.com, stacey@burkhardtandlarson.com
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- Richard C Spencer rspencer@rspencerlaw.com
- United States Trustee (SA) ustpreion16.sa.ecf@usdoj.gov

**2. SERVED BY UNITED STATES MAIL:**

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Dayton, OH 45459

Creditors Adjustment Bureau Inc  
14226 Ventura Blvd  
Sherman Oaks, CA 91423

Rick Davidson  
680 Pinyan Ln  
Canton, GA 30115

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This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.



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