

1 Linda F. Cantor (CA Bar No. 153762)
2 Pachulski Stang Ziehl & Jones LLP
3 10100 Santa Monica Blvd., 13th Floor
4 Los Angeles, California 90067
5 Telephone: 310-277-6910
6 Facsimile: 310-201-0760
7 E-mail:lcantor@pszjlaw.com

8 Counsel for R. Todd Neilson, Chapter 7 Trustee
9 for The Tulving Company, Inc.

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UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
SANTA ANA DIVISION

11 In re:
12
13 THE TULVING COMPANY, INC., a
14 California corporation,
15
16 Debtor.

Case No.: 8:14-bk-11492-ES

Chapter 7

**STIPULATION RE: MOTION FOR RELIEF
FROM THE AUTOMATIC STAY UNDER
11 U.S.C. § 362 (PERSONAL PROPERTY)**

Hearing

Date: August 18, 2015
Time: 9:30 a.m.
Place: 411 West Fourth Street
Courtroom 5A
Santa Ana, CA 92701

Judge: Hon. Erithe A. Smith

20 **TO THE HONORABLE ERITHE A. SMITH, UNITED STATES BANKRUPTCY JUDGE;**
21 **THE OFFICE OF THE UNITED STATES TRUSTEE; THE DEBTOR; AND PARTIES**
22 **WHO HAVE FILED A REQUEST FOR SPECIAL NOTICE PURSUANT TO**
23 **BANKRUPTCY RULE 2002:**

24 R. Todd Neilson, in his capacity as the duly appointed, authorized and acting chapter 7
25 trustee of the above captioned Debtor's estate (the "Trustee") and Collateral Finance Corporation
26 ("CFC" and together with the Trustee, the "Parties"), by and through their respective counsel, hereby
27 state as follows:
28

PACHULSKI STANG ZIEHL & JONES LLP
ATTORNEYS AT LAW
LOS ANGELES, CALIFORNIA

RECITALS

1
2 **WHEREAS**, on July 28, 2015, CFC filed a *Notice of Motion and Motion for Relief from the*
3 *Automatic Stay under 11 U.S.C. § 362* (the “Relief from Stay Motion”) [Docket No. 266] seeking to
4 enforce its remedies to sell certain coins owned by the Debtor which are presently in the possession
5 of CFC (the “Coins”). The Coins are collateral for certain promissory notes executed by the Debtor
6 in favor of CFC for loans extended to the Debtor by CFS (the “Loans”).

7 **WHEREAS**, the Relief from Stay Motion alleges that CFC is undersecured in that the debt
8 owing on the Loans is \$227,311.16 and the market value of the Coins is \$173,652.00.

9 **WHEREAS**, the Trustee does not oppose the Relief from Stay Motion provided that CFC
10 waives any and all claims including, without limitation, any deficiency claim against the Debtor’s
11 estate with regard to the Loans and the amounts owing on the Loans.

12 **WHEREAS**, the Trustee and CFC are entering into this stipulation to memorialize their
13 agreement concerning the relief sought in the Relief from Stay Motion (the “Stipulation”).

14 **NOW, THEREFORE, IT IS HEREBY STIPULATED** by and between the Trustee and
15 CFC as follows:

STIPULATION

- 17 1. The Trustee will not oppose the Relief from Stay Motion.
- 18 2. CFC waives any and all claims including, without limitation any deficiency claims
19 against the Debtor’s estate with regard to the Loans and the amounts owing on the Loans.
- 20 3. The order approving the Relief from Stay Motion shall expressly incorporate the
21 terms of this Stipulation.
- 22 4. This Stipulation contains the entire understanding and agreement of the Parties, and
23 there are no prior or contemporaneous promises, representations, agreements, warranties, or
24 undertakings by either party to the other, either oral or written of any character or nature, except as
25 set forth in this Stipulation.
- 26 5. This Stipulation may be executed in counterparts, each of which may be transmitted
27 by facsimile or email, and each of which shall be deemed an original, but all of which together shall
28 constitute one instrument.

6. The Court shall retain jurisdiction to hear all disputes arising from this Stipulation.

Dated: August 4, 2015

PACHULSKI STANG ZIEHL & JONES LLP

By: /s/ Linda F. Cantor

Linda F. Cantor

Counsel for R. Todd Neilson, Chapter 7 Trustee for
the Tulving Company, Inc.

Dated: August 4, 2015

HARLENE MILLER LAW, APLC

By: 

Harlene Miller

Counsel for Collateral Finance Corporation

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:
10100 Santa Monica Boulevard, 13th Floor, Los Angeles, California 90067

A true and correct copy of the foregoing document entitled **STIPULATION RE: MOTION FOR RELIEF FROM THE AUTOMATIC STAY UNDER 11 U.S.C. § 362 (PERSONAL 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 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)* **August 4, 2015**, 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)* **August 4, 2015**, 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)* **August 4, 2015**, 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.

Via Overnight Mail

The Honorable Erithe A. Smith
United States Bankruptcy Court - Central District of California
Ronald Reagan Federal Building and Courthouse
411 West Fourth Street, Suite 5040 / Courtroom 5A
Santa Ana, CA 92701-4593

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.

August 4, 2015
Date

Nancy H. Brown
Printed Name

/s/ Nancy H. Brown
Signature

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

- Wesley H Avery wamiracle6@yahoo.com, wavery@rpmlaw.com
- Candice Bryner candice@brynerlaw.com
- Philip Burkhardt phil@burkhardtandlarson.com, stacey@burkhardtandlarson.com
- Stephen L Burton steveburtonlaw@aol.com
- Frank Cadigan frank.cadigan@usdoj.gov
- Linda F Cantor lcantor@pszjlaw.com, lcantor@pszjlaw.com
- David L Gibbs david.gibbs@gibbslaw.com, ecf@gibbslaw.com
- Nancy S Goldenberg nancy.goldenberg@usdoj.gov
- Lawrence J Hilton lhilton@oneil-llp.com, ssimmons@oneil-llp.com;kdonahue@oneil-llp.com
- John H Kim jkim@cookseylaw.com
- Harlene Miller harlene@harlenemillerlaw.com
- R. Todd Neilson (TR) tneilson@brg-expert.com, sgreenan@brg-expert.com;tneilson@ecf.epiqsystems.com;ntroszak@brg-expert.com
- Jason S Pomerantz jspomerantz@pszjlaw.com, jspomerantz@pszjlaw.com
- Nanette D Sanders becky@ringstadlaw.com
- Richard C Spencer rspencer@rspencerlaw.com
- United States Trustee (SA) ustpregion16.sa.ecf@usdoj.gov

2. SERVED BY UNITED STATES MAIL:

Harlene Miller, Esq.
Harlene Miller Law, APLC
17910 Sky Park Circle, Suite 105
Irvine, CA 92614

The Tulving Company Inc.
P.O. Box 6200
Newport Beach, CA 92658

Berkeley Research Group LLC
2049 Century Park East, Suite 2525
Los Angeles, CA 90067

Lawrence P. Nokes
Nokes & Quinn
410 Broadway Street, Suite 200
Laguna Beach, CA 92651

William C. Berry
P.O. Box 686
Carlsborg, WA 98324