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

8 **UNITED STATES BANKRUPTCY COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**
10 **SANTA ANA DIVISION**

11 In re:
12 THE TULVING COMPANY, INC., a
California corporation,

13
14 Debtor

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

Chapter 7

**STIPULATION REGARDING CLAIM 330-2,
FILED BY COLLATERAL FINANCE
CORPORATION**

[Relates to Dkt. No. 349]

Hearing:

Date: January 21, 2016
Time: 10:30 a.m.
Place: Courtroom 5A
411 West Fourth Street
Santa Ana, CA 92701
Judge: Hon. Erithe A. Smith

Continued Hearing:

Date: March 1, 2016
Time: 10:30 a.m.
Place: Courtroom 5A
411 West Fourth Street
Santa Ana, CA 92701
Judge: Hon. Erithe A. Smith

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27 R. Todd Neilson, in his capacity as Chapter 7 Trustee (the “Trustee”) of The Tulving
28 Company, Inc. (the “Debtor”) and creditor Collateral Finance Corporation (“CFC”, and together

1 with the Trustee, the “Parties”), by and through the undersigned, hereby stipulate and agree (the
2 “Stipulation”) as follows:

3 **RECITALS**

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5 A. The Debtor commenced this case by the filing of a voluntary petition for relief under
6 chapter 11 of the Bankruptcy Code, 11 U.S.C. § 101 et seq. (the “Bankruptcy Code”) on March 10,
7 2014. Pursuant to a stipulation between the Debtor and the United States Trustee, approved by the
8 Court on March 18, 2014 [Docket No. 16], the Court appointed a chapter 11 trustee over the
9 Debtor’s case and on March 21, 2014, R. Todd Neilson was appointed as the Chapter 11 Trustee
10 [Docket No. 22]. Thereafter, upon notice and hearing, the case was converted to a case under
11 chapter 7 of the Bankruptcy Code. Mr. Neilson continues to serve as the Trustee [Docket No. 108].

12 B. On September 29, 2014, CFC filed proof of claim number 330-1 against the Debtor
13 asserting a secured claim in the amount of \$175,600 (“Claim 330-1”) based upon a commercial loan
14 secured by numismatic coins (the “Collateral”). Additionally, on September 29, 2014, CFC filed an
15 amended proof of claim 330-2 which was identical to Claim 330-1 (“Claim 330-2”).¹

16 C. On December 21, 2015, the Trustee filed a *Motion for Order Disallowing Claim 330-*
17 *2 Filed by Collateral Finance Corporation* (the “Motion”) [Docket No. 349] on the grounds that
18 during the pendency of the bankruptcy case, CFC sought and obtained relief from stay and
19 foreclosed on the Collateral securing Claim 330-2. Moreover, CFC agreed to waive any and all
20 claims against the estate. As such, the Motion seeks to disallow Claim 330-2.

21 D. CFC is in agreement that Claim Number 330-2 should be disallowed in its entirety.

22 **NOW, THEREFORE**, the Parties hereby stipulate and agree as follows:

23 1. Claim Number 330-2 shall be disallowed in its entirety;

24 2. This Stipulation may be executed in counterparts, each of which may be transmitted
25 by facsimile or email, and each of which shall be deemed an original, but all of which together shall
26 constitute one instrument; and

27
28 _____
¹ Claim 330-1 was disallowed by order of the Bankruptcy Court dated January 29, 2016 [Dkt. No. 499].

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

DATED: February 10, 2016

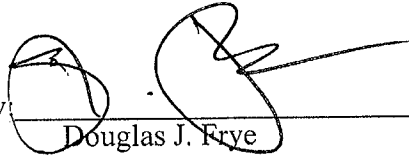
PACHULSKI STANG ZIEHL & JONES LLP

By: /s/ Linda F. Cantor
Linda F. Cantor
Jason S. Pomerantz

Attorneys for R. Todd Neilson, Chapter 7 Trustee for
The Tulving Company, Inc.

FRYE & HSIEH, LLP

DATED: February 9, 2016

By: 
Douglas J. Frye

Attorneys for Collateral Finance Corporation

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

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 (*specify*): **STIPULATION REGARDING CLAIM 330-2, FILED BY COLLATERAL FINANCE CORPORATION** 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 **February 10, 2016**, 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*) **February 10, 2016**, 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.

Collateral Finance Corporation
c/o Richard C. Spencer, Esq.
624 S. Grand Avenue, Suite 2200
Los Angeles, CA 90017

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*) **February 10, 2016**, 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 Federal Express

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
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.

February 10, 2016
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
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- Nanette D Sanders becky@ringstadlaw.com
- 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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Collateral Finance Corporation
c/o Richard C. Spencer, Esq.
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Los Angeles, CA 90017

On the Rocks Jewelry & Rare Coins
Attn: David Halpin and Desirea Sloan
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San Clemente, CA 92672