

Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address Weneta M.A. Kosmala, Chapter 7 Trustee c/o Law Offices of Weneta M.A. Kosmala 3 MacArthur Place, Suite 760 Santa Ana, CA 92707 Tel: 714-708-8190 Fax: 714-509-1760 Email: wkosmala@kosmalalaw.com <input type="checkbox"/> <i>Movant(s) appearing without an attorney</i> <input type="checkbox"/> <i>Attorney for Movant(s)</i>	FOR COURT USE ONLY
UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA - SANTA ANA DIVISION	
In re: THE TULVING COMPANY, INC., Debtor(s).	CASE NO.: 8:14-BK-11492-ES CHAPTER: 7 <div style="text-align: center; padding: 10px;"> DECLARATION THAT NO PARTY REQUESTED A HEARING ON MOTION LBR 9013-1(o)(3) </div> <div style="text-align: center; padding: 5px;"> [No Hearing Required] </div>

1. I am the Movant(s) or attorney for Movant(s) or employed by attorney for Movant(s).
2. On (date): 04/22/2016 Movant(s) filed a motion or application (Motion) entitled: Notice of Motion and Motion for Approval of Cash Disbursements by the Trustee
3. A copy of the Motion and notice of motion is attached to this declaration.
4. On (date): 04/22/2016 Movant(s), served a copy of the notice of motion or the Motion and notice of motion on required parties using the method(s) identified on the Proof of Service of the notice of motion.
5. Pursuant to LBR 9013-1(o), the notice of motion provides that the deadline to file and serve a written response and request for a hearing is 14 days after the date of service of the notice of motion, plus 3 additional days if served by mail, electronically, or pursuant to F.R.Civ.P. 5(b)(2)(D), (E), or (F).
6. More than 17 days have passed after Movant(s) served the notice of motion.
7. I checked the docket for this bankruptcy case and/or adversary proceeding, and no response and request for hearing was timely filed.
8. No response and request for hearing was timely served on Movant(s) via Notice of Electronic Filing, or at the street address, email address, or facsimile number specified in the notice of motion.

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

9. Based on the foregoing, and pursuant to LBR 9013-1(o), a hearing is not required.

WHEREFORE, Movant(s) requests that the court grant the motion and enter an order without a hearing.

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

Date: 05/23/2016

/s/ Weneta M.A. Kosmala
Signature

Weneta M.A. Kosmala, Chapter 7 Trustee
Printed name

Exhibit "A"

Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & 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 <input type="checkbox"/> Debtor(s) appearing without an attorney <input type="checkbox"/> Attorney for Debtor(s)	FOR COURT USE ONLY
UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA - SANTA ANA DIVISION	
In re: THE TULVING COMPANY, INC., Debtor(s).	CASE NO.: 8:14-bk-11492-ES CHAPTER: 7 <div style="text-align: center; padding: 10px;"> NOTICE OF MOTION AND MOTION FOR APPROVAL OF CASH DISBURSEMENTS BY THE TRUSTEE [LBR 2016-2] </div> <div style="text-align: center; padding: 5px;"> [No hearing unless requested under LBR 9013-1(o)] </div>

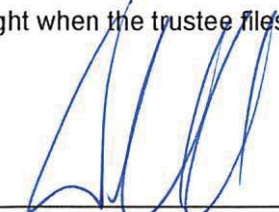
PLEASE TAKE NOTICE that the duly-appointed chapter 7 trustee filed the following motion for court approval of the trustee's request to make cash disbursements. The court may grant the motion without a hearing unless you file, and serve on the trustee and the United States trustee, a written opposition 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: N/A 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: 04/21/2016



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

Weneta M.A. Kosmala, 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.

04/21/2016
Date

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

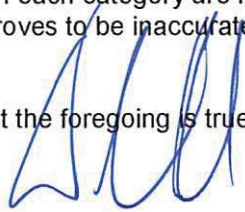

Signature

Exhibit "A"

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").

Estate tax returns for tax years 2012 through 2014 were prepared and filed by the former Chapter 7 Trustee, and the related 2012 through 2014 Franchise Tax Board administrative claims for those tax returns were previously paid. Trustee has been advised that 2015 tax returns are due, and that \$800 plus possibly up to \$200 in interest, fees or penalties, are owing to the Franchise Tax Board for 2015; and that \$800 will be due for 2016.

Exhibit “B”

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
\$ 1,600.00 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, Fees, and Penalties for 2015 taxes
\$ _____ Other: _____
\$ _____ Other: _____

Total: \$ 1,800.00 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").

Estate tax returns for tax years 2012 through 2014 were prepared and filed by the former Chapter 7 Trustee, and the related 2012 through 2014 Franchise Tax Board administrative claims for those tax returns were previously paid. Trustee has been advised that 2015 tax returns are due, and that \$800 plus possibly up to \$200 in interest, fees or penalties, are owing to the Franchise Tax Board for 2015; and that \$800 will be due for 2016.

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) 04/22/2016, 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) 04/22/2016, 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.

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.

04/22/2016
Date

Janine Fountain
Printed Name

/s/ Janine Fountain
Signature

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"):

- Michael R Adele , kadele@wglp.com
- Wesley H Avery wamiracle6@yahoo.com, wavery@rpmlaw.com;ashawtrustee@gmail.com
- Candice Bryner candice@brynerlaw.com
- Philip Burkhardt phil@burkhardtandlarson.com, stacey@burkhardtandlarson.com
- Stephen L Burton steveburtonlaw@aol.com, ellie.burtonlaw@gmail.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@onellp.com,
lthomas@onellp.com;info@onellp.com;janderson@onellp.com;crodriguez@onellp.com
- James KT Hunter jhunter@pszjlaw.com
- John H Kim jkim@cookseylaw.com
- Weneta M Kosmala (TR) ecf.alert+Kosmala@titlexi.com,
wkosmala@txitrustee.com;dmf@txitrustee.com;kgeorge@kosmalalaw.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:

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

Franchise Tax Board
Bankruptcy Section, MS: A-340
P.O. Box 2952
Sacramento, CA 95812-2952

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

William C Berry
PO Box 686
Carlsborg, WA 98324

Kenneth D Christman
1965 Loma Linda Ln
Dayton, OH 45459

Laurence P Nokes
Nokes & Quinn
410 Broadway St Ste 200
Laguna Beach, CA 92651

Kendra Pearsall
14501 County Rd 3
Longmont, CO 80504

M. Anthony Speena
1245 S Martin Luther King Ave #104-C
Clearwater, FL 33756

Ronald Steward
1664 Toronto Rd #4
Springfield, IL 62712

Catherine J Taylor
4572 Beachcomber Ct
Boulder, CO 80301

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: **DECLARATION THAT NO PARTY REQUESTED A HEARING ON MOTION [LBR 9013-1(o)(3)]** 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)* 05/23/2016, 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:

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2. SERVED BY UNITED STATES MAIL:

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Honorable Erithe A. Smith
United States Bankruptcy Court
411 W. Fourth Street, Suite 5041
Santa Ana, CA 92701-4593

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.

05/23/2016
Date

Janine Fountain
Printed Name

/s/ Janine Fountain
Signature

ADDITIONAL SERVICE INFORMATION (if needed):

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

- Michael R Adele , kadele@wglp.com
- Wesley H Avery wamiracle6@yahoo.com, wavery@rpmlaw.com;ashawtrustee@gmail.com
- Candice Bryner candice@brynerlaw.com
- Philip Burkhardt phil@burkhardtandlarson.com, stacey@burkhardtandlarson.com
- Stephen L Burton steveburtonlaw@aol.com, ellie.burtonlaw@gmail.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@onellp.com,
lthomas@onellp.com;info@onellp.com;janderson@onellp.com;crodriguez@onellp.com
- James KT Hunter jhunter@pszjlaw.com
- John H Kim jkim@cookseylaw.com
- Weneta M Kosmala (TR) ecf.alert+Kosmala@titlexi.com,
wkosmala@txitrustee.com;dmf@txitrustee.com;kgeorge@kosmalalaw.com
- 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:

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

Franchise Tax Board
Bankruptcy Section, MS: A-340
P.O. Box 2952
Sacramento, CA 95812-2952

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

William C Berry
PO Box 686
Carlsborg, WA 98324

Kenneth D Christman
1965 Loma Linda Ln
Dayton, OH 45459

Laurence P Nokes
Nokes & Quinn
410 Broadway St Ste 200
Laguna Beach, CA 92651

Kendra Pearsall
14501 County Rd 3
Longmont, CO 80504

M. Anthony Speena
1245 S Martin Luther King Ave #104-C
Clearwater, FL 33756

Ronald Steward
1664 Toronto Rd #4
Springfield, Il 62712

Catherine J Taylor
4572 Beachcomber Ct
Boulder, CO 80301