

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

FILED

JAN 31 2011

United States Bankruptcy Court
San Jose, California

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

In re] Case No. 10-50394-ASW
]]
VICTORIANO AND ANNALIZA DUARTE,] Chapter 13
]]
Debtors.]]
_____]]

**MEMORANDUM DECISION RE MOTION TO DETERMINE VALUE
AND STATUS OF JUNIOR LIENHOLDER'S CLAIM**

Before the Court is the motion ("Motion") by debtors Victoriano and Annaliza Duarte ("Debtors") to determine the value and status of the second priority deed of trust held by creditors Duane E. Gifford and Marilyn L. Gifford ("Giffords") against the Debtors' primary residence located at 767 Lakehaven Dr. Sunnyvale, California 94089 ("Property"). Debtors seek a determination that the Giffords' second deed of trust is not secured in any amount and thus may be treated as unsecured in Debtors' chapter 13 plan. The Giffords oppose the Motion. Debtors are represented by Drew Henwood, Esq. of The Law Offices of Drew Henwood. The Giffords are represented by Benjamin R. Levinson, Esq. of the Law Office of Benjamin R. Levinson.

UNITED STATES BANKRUPTCY COURT
For The Northern District Of California

1 An evidentiary hearing on the Motion was held on September 2,
2 2010, and the matter has been submitted for decision. At the
3 evidentiary hearing, Debtor called Daniel Ordaz ("Ordaz"), an
4 appraiser, and Debtors as witnesses. The Giffords called Boris
5 Chtchetinin, an appraiser, as a witness.

6 This Memorandum Decision constitutes the Court's findings of
7 fact and conclusions of law, pursuant to Rule 7052 of the Federal
8 Rules of Bankruptcy Procedure.

9

10

I.

11

FACTS

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

Debtors commenced this case by filing a petition under Chapter 13 of the Bankruptcy Code on January 17, 2010. Debtors' main asset is the Property. Debtors purchased the Property in 1996 and have lived at the Property continuously since the time of purchase. Two deeds of trust have been recorded on the Property. The senior obligation and first deed of trust on the Property is held by US Bank National Association ("US Bank"). The Giffords are the beneficiaries of a pre-petition loan made to the Debtors. The Giffords' loan is secured by the second priority trust deed (the "Giffords' Lien") against the Property.

On the bankruptcy petition date, January 17, 2010, the amount owing to the first deed of trust holder US Bank was no more than \$387,435.63 and that sum included advances by US Bank for payment of real property taxes.¹ On March 3, 2010, Debtors filed the

¹ US Bank's proof of claim in the amount of \$387,435.63 was submitted to the Court at the time of hearing and entered into evidence. The Giffords do not contest that amount.

1 Motion. On March 12, 2010, the Giffords filed a Notice of
2 Opposition and Request for Hearing. The hearing, initially held on
3 June 7, 2010, was continued to September 2, 2010 for an evidentiary
4 hearing.

5 At the September 2, 2010 hearing, each party offered an expert
6 witness to opine as to the value of the Property at the time of
7 Debtors' bankruptcy petition. Both experts prepared written
8 reports and those reports were entered into evidence. Debtors'
9 expert witness Daniel Ordaz is an independent contract appraiser of
10 real property specializing in Santa Clara County. The Giffords'
11 expert witness Boris Chtchetinin is an owner and principal
12 appraiser for his own appraisal business, that operates throughout
13 the entire Bay Area but specializes in Santa Clara County. Both
14 appraisers were qualified to testify as experts concerning the
15 value of the Property. Debtor Annaliza Duarte testified as to the
16 condition of the Property on the petition date. Debtor Victoriano
17 Duarte testified as to the value and surroundings of the Property
18 on the petition date.

19 Ordaz holds a license from the State of California to conduct
20 real property appraisals which Ordaz obtained in September of 2006.
21 Ordaz estimated that Ordaz has done roughly 757 appraisals with 500
22 of those appraisals occurring in Santa Clara County. Debtors asked
23 Ordaz to determine the market value of the Property as of the
24 bankruptcy petition date, January 17, 2010.

25 Ordaz testified that Ordaz believed the fair market value of
26 the Property was \$370,000.00 as of January 17, 2010. Ordaz based
27 that conclusion upon a sales comparison analysis of four comparable
28 properties. Three of the properties were bank-owned properties,

1 i.e., the respective banks obtained these properties through
2 foreclosure and now offer the properties for sale. One of the
3 properties was a short sale. Ordaz determined that the value of
4 the Property was \$370,000 based on the sales comparison approach
5 and \$371,723 based on the cost approach.

6 Ordaz explained that a sales comparison approach to value is
7 based upon an analysis of comparable properties within the same
8 neighborhood in light of factors such as the real estate market of
9 the particular neighborhood, the school systems, and the dwelling's
10 characteristics including square footage, age, and condition.

11 Ordaz testified that the Property was in average condition. Of
12 particular note, Ordaz emphasized that all four of Ordaz's
13 comparables had closed escrow **prior to** January 17, 2010, and thus
14 the market would have been aware of those final sale prices at the
15 time of petition. Ordaz criticized Chtchetinin's report as
16 Chtchetinin's report consisted exclusively of sales that had closed
17 **after** Debtors' bankruptcy petition date.

18 As noted above, the Ordaz report contained three sales of
19 bank-owned properties and one short sale. The sales prices of the
20 Ordaz comparables ranged from \$366,860 to \$395,000 and were sold
21 between September 25, 2009 and January 13, 2010. The comparables
22 were located from .14 miles to .80 miles away from the Property.
23 Ordaz explained that Ordaz was unable to find any private sales
24 (i.e., sales that were not bank owned) or short sales among the
25 comparables in his research that were applicable and relevant.
26 Ordaz further stated that bank-owned property sales and short sales
27 were the predominant form of sale within the area of the subject
28 property and thus are valid comparables when those sales are the

1 dominant sales mode within the neighborhood. Ordaz did not make
2 adjustments in sale price based on whether the comparable consisted
3 of a bank-owned property or short sale because Ordaz testified that
4 it is not standard industry practice to make such adjustments due
5 to the difficulty in objectively determining the value of the
6 adjustment.

7 Debtor Annaliza Duarte testified that around the time of the
8 bankruptcy petition, January 17, 2010, the Property suffered from
9 mold problems, the bathroom sink leaked, and that sink leak had
10 caused floor discoloration. Debtor Victoriano Duarte testified
11 that around the time of the bankruptcy petition, the neighborhood
12 was very busy as it is located close to a highway and there were
13 many cars parked along the street. Victoriano Duarte also
14 testified that a park and school are located behind the Property
15 with no other houses obstructing access.

16 Chtchetinin testified that Chtchetinin believed the fair
17 market value of the Property was \$395,000 as of January 17, 2010.
18 Chtchetinin based that conclusion upon a sales comparison analysis
19 based on comparable properties -- all of which had sold prior to
20 the court hearing but none of which had closed escrow at the time
21 of Debtors' bankruptcy petition. Chtchetinin reviewed three
22 comparable properties between .11 and .49 miles from the Property
23 -- two of the comparable properties were bank owned properties sold
24 after a foreclosure and one sold through a private sale.
25 Chtchetinin determined that the value of the Property was \$395,000
26 based on the sales comparison approach and was \$381,200 based on
27 the cost approach.

28

1 Chtchetinin is a licensed appraiser in the state of California
2 and Chtchetinin has worked as a real estate appraiser for 6 years.
3 Chtchetinin's work is exclusively residential and he has worked
4 exclusively in Santa Clara County for the past three years.
5 Chtchetinin estimated that Chtchetinin has made over 2,500
6 appraisals. Chtchetinin testified that, unlike Ordaz who is
7 a trainee appraiser who works under the supervision of a licensed
8 or certified appraiser, Chtchetinin is qualified as a licensed
9 appraiser based on education and experience.

10 Chtchetinin explained that Chtchetinin had been engaged to
11 make a retrospective appraisal for the Giffords. Chtchetinin
12 testified that the residential tract where the Property was located
13 was fairly typical for a 1950's tract with homes generally in the
14 configuration of three bedrooms and two bathrooms. Chtchetinin
15 recalled the price range for the area at the time in question to be
16 between \$360,000 and \$460,000.

17 The adjusted sales price of the three comparable properties
18 Chtchetinin used in his report ranged from \$387,000 to \$403,000.
19 Chtchetinin testified that these three comparables in his report
20 represented the mid-range of value where the Property fit based on
21 condition; some other properties of superior quality were selling
22 for \$420,000 while some properties of lesser quality were selling
23 for \$360,000. Chtchetinin described the Property as average
24 condition with some interior updates such as laminate flooring,
25 limestone floors in some areas, wood cabinets, and granite counter
26 tops. Chtchetinin criticized the Ordaz appraisal arguing that the
27 Ordaz appraisal had used comparables of worse condition and on a
28

1 lower scale of value, particularly with respect to the inclusion of
2 a comparable that was listed as a complete "fixer-upper".

3 Chtchetinin used sales which had not yet closed as of the
4 petition date in Chtchetinin's retrospective appraisal explaining
5 that while the sales did not close before the petition date,
6 Chtchetinin verified that the contract prices of the comparable
7 sales were also the final sales prices by cross checking the
8 contract price with the post bankruptcy petition property closing
9 price on the Multi Listing Service website. Chtchetinin stated
10 that the Multi Listing Service search function did not have a
11 feature to filter out properties that had not closed escrow prior
12 to the bankruptcy petition date. Chtchetinin testified that if
13 such filtering were necessary, it would need to be done manually by
14 the appraiser. Chtchetinin acknowledged that it is possible for
15 events to occur between the date of contract and the date of
16 closing that could change the final closing price. However,
17 Chtchetinin stated that those events did not occur here and that
18 the contract prices were representative of the market prices at the
19 time of Debtors' bankruptcy petition.

20
21 II.

22 ANALYSIS

23 Debtors' Motion requests this Court to determine the value and
24 status of the Giffords' lien as wholly unsecured and void. Debtors
25 contend that the fair market value of the Property on the
26 bankruptcy petition date was less than the debt secured by US
27 Bank's first priority trust deed, thus the Giffords' Lien was
28 wholly unsecured at the time of bankruptcy. The Giffords oppose

1 the Motion arguing the fair market value of the Property exceeded
2 US Bank's first priority lien, thus Giffords' second priority trust
3 deed was at least partially secured and entitled to the
4 "antimodification" provision of Bankruptcy Code section 1322(b)(2).

5 Debtors seek to value the Giffords' Lien on the Property based
6 on Bankruptcy Code section 506(a)(1), which states:

7 An allowed claim of a creditor secured by a lien on
8 property in which the estate has an interest . . . is a
9 secured claim to the extent of the value of such
10 creditor's interest in the estate's interest in such
11 property . . . and is an unsecured claim to the extent
12 that the value of such creditor's interest . . . is less
13 than the amount of such allowed claim.

14 11 U.S.C. § 506 (a)(1). If the Court finds the Giffords' Lien to be
15 wholly unsecured, as Debtors contend, then the Giffords are not the
16 "holder[s] of a secured claim" whose rights are subject to the
17 "antimodification" protection of Bankruptcy Code section 1322(b)(2).
18 Zimmer v. PSB Lending Coporation (In re Zimmer), 313 F.3d 1220 (9th
19 Cir. 2002). The consequence of such a finding is that Debtors could
20 provide for the Giffords' claim through Debtors' chapter 13 plan as
21 a general unsecured claim, rather than a secured claim. Zimmer,
22 313 F.3d at 1227. Conversely, if the Court finds the Giffords' Lien
23 to be secured by even \$1.00, the "antimodification" protection of
24 Bankruptcy Code section 1322(b)(2) applies and the claim must be
25 paid as a secured claim and cannot be modified by Debtors'
26 chapter 13 plan.

27 Bankruptcy Code section 506(a)(1) instructs that when a court is
28 requested to determine the value of collateral, "such value shall be
determined in light of the purpose of the valuation and of the
proposed disposition or use of such property..." 11 U.S.C.
§ 506(a)(1). When the debtors intend to stay in their house, the

1 proper valuation of the house under Bankruptcy Code section 506(a) is
2 the fair market value. Taffi v. United States of America (In re
3 Taffi), 96 F.3d, 1190, 1192 (9th Cir. 1996). The fair market value
4 is not the "replacement" value because the house is not being
5 replaced. Neither is it the "foreclosure" value because no
6 foreclosure is intended in the chapter 13 plan. Taffi, 96 F.3d at
7 1192.

8 The fair market value is "the price which a willing seller under
9 no compulsion to sell and a willing buyer under no compulsion to buy
10 would agree upon after the property has been exposed to the market
11 for a reasonable time." Taffi, 96 F.3d at 1192. Debtors intend to
12 stay in the Property, cure the loan owed to US Bank, and treat the
13 Giffords as general unsecured creditors.

14 For the purposes of granting or denying the Motion, this Court
15 does not need to determine the exact value of the Property. In re
16 Serda, 395 B.R. 450 (Bankr. E.D. Cal. 2008). The Court only needs to
17 determine whether or not the value of the Property at the time of
18 Debtors' bankruptcy petition was greater than, equal to, or less than
19 the amount of the senior secured debt owed to US Bank. Serda, 395
20 B.R. at 453. Here, the amount owing to the first deed of trust
21 holder was no more than \$387,435.63 on the bankruptcy petition date
22 and that sum included advances by that lender for payment of property
23 taxes. US Bank's proof of claim in the amount of \$387,435.63 was
24 submitted to the Court at the time of hearing and entered into
25 evidence without objection.

26 Debtors bear the initial burden of proof of overcoming any
27 presumption established by the stated value in the secured creditor's
28 proof of claim. Serda, 395 B.R. at 454. The secured creditor has

1 the ultimate burden of persuasion to demonstrate, by a preponderance
2 of the evidence, the value of the collateral which secures its claim.
3 In re Southmark Storage Associates Ltd. Partnership, 130 B.R. 9, 10
4 (Bankr. D. Conn. 1991).

5 Both parties' expert witnesses used the sales comparable method
6 to estimate the fair market value of the Property at the time of
7 Debtors' bankruptcy petition. The hearing on the matter lasted
8 roughly four hours wherein both experts and Debtors testified. The
9 Court considered all the evidence admitted at trial, including the
10 testimony of both experts. In addition, the Court prepared its own
11 statistical analysis based solely upon the appraisal reports
12 submitted by the two experts. (Attached as Exhibits A-J).²

13 Debtors' expert, Ordaz, analyzed four comparable properties that
14 were located between .14 and .80 miles from the Property. The
15 properties Ordaz included in Ordaz's report were all sold between
16 September 25, 2009, and January 13, 2010. Three of Ordaz's
17 properties were bank-owned properties and one was sold through
18 a short sale. Ordaz emphasized during his testimony that all of his
19 comparables had closed escrow at the time of Debtors' bankruptcy
20 petition. Based on these comparables, Ordaz concluded that the
21 Property had a fair market value of \$370,000 on the petition date.
22 The Court calculated the average sales price of Ordaz's four
23 comparable properties and found the average to be \$375,091.00.
24 (Exhibit C). Debtors' have presented evidence sufficient to overcome
25 the presumption of value within the Giffords claim.

26
27 ² The Court does not imply that the fair market value of any
28 property is purely a statistical calculation, but it recognizes
that such analysis can be instructive when confronted with
conflicting and multifaceted data.

1 Giffords' expert, Chtchetinin, analyzed three comparable
2 properties that were located .11 and .49 miles from the Property.
3 The properties Chtchetinin included in Chtchetinin's report were all
4 sold in December 2009. However, unlike Ordaz, none of Chtchetinin's
5 properties closed before Debtors' bankruptcy petition date. Two of
6 Chtchetinin's comparables were bank-owned properties and one was
7 a private sale. The private sale sold for the highest price.
8 Chtchetinin concluded that the fair market value of the Property was
9 likely \$395,000 on the petition date. The Court notes that the
10 average of Chtchetinin's comparables was also \$395,000. (Exhibit C).

11 The difference between the first lien holder's proof of claim
12 and both appraisers' estimates of fair market value is very narrow.
13 Debtors contend that the fair market value, based on the sales
14 comparison approach, was \$370,000; \$17,435.68 **below** the amount owed
15 to the first lien holder. The Giffords respond that the fair market
16 value was actually \$395,000; \$7,564.34 **above** the amount of the first
17 lien holder. The Court's statistical analysis of the combined data
18 presented by the experts proved to be even closer with an average of
19 all comparables of \$383,623.43, an average excluding the highest and
20 lowest comparables of \$383,100.80, and a median of \$387,000 leading
21 differences of \$3,812.20, \$4,334.83, and \$435.63, respectively.
22 (Exhibits A, B and F). The average of all comparables, the average
23 excluding the highest and lowest comparables, and the median are all
24 **below** the first lien holder's proof of claim. Moreover, the Court
25 found the average selling price of the three closest properties by
26 distance to be \$383,953.33 and the three properties with the sales
27 date closest to the petition date to be \$383,548.00 leading to
28 differences of \$3,482.30 and \$3,977.63, respectively. (Exhibits D

1 and E). Again, both of these averages are **below** the first lien
2 holder's proof of claim. Thus when the comparables are analyzed
3 statistically as a whole, the comparables generally indicate average
4 and median values below that of the first lien holder's proof of
5 claim. Based on the testimony at trial and this additional analysis,
6 the Court finds that the Giffords' expert's testimony insufficient to
7 persuade the Court that the preponderance of the evidence supports a
8 value above that of the first deed of trust holder. Rather, it
9 appears based on the fact four of the seven comparables are below the
10 value of the first lien holder's proof of claim and the averages and
11 medians of the data as a whole are below the first lien holder's
12 proof of claim, the preponderance of the evidence demonstrates that
13 the value of the Property was **below** the first lien holder's proof of
14 claim.

15 The Giffords rely on a decision of the Bankruptcy Court for the
16 Eastern District of California which expressed concerns regarding the
17 inclusion of bank-owned properties within appraisal reports for
18 determining the fair market value of property. See Serda, 395 B.R.
19 at 454. The Court in Serda noted the potential different motivations
20 for sale between private party sales and bank-owned sales, stating
21 that banks had the motivation to liquidate inventory quickly for low
22 prices whereas private parties had the motivation to wait for higher
23 prices. However, the Ninth Circuit in Taffi stated, "Valuation must
24 be accomplished within the actual situation presented." Taffi, 96
25 F.3d at 1192. Debtor's expert, Ordaz, testified that bank-owned
26 property sales and short sales were the predominant form of sale
27 within the area of the Property. Giffords' expert, Chtchetinin, also
28

1 included two bank-owned properties -- out of the three comparables he
2 used within his appraisal report.

3 Based on Ordaz's testimony that bank-owned property sales were
4 the predominant form of sale within the area and the fact that two
5 out of three of Chtchetinin's comparables were bank owned properties,
6 the Court finds there is sufficient evidence to conclude that bank-
7 owned property sales are relevant in determining the fair market
8 value of the Property at the time of Debtors' bankruptcy petition.
9 Allowing the sales prices of bank-owned properties to be considered
10 as comparables does not require any subjective determination of the
11 motivation of the parties. The advertised prices of bank-owned
12 properties would have been available to potential buyers and would
13 have shaped buyers' price expectations because bank-owned properties
14 are also competing against owner occupied properties within the real
15 estate market. The appraiser merely includes the bank-owned property
16 sales along with any other relevant properties in the appraiser's
17 value analysis. This is analogous to how bank-owned properties are
18 equally available on the real estate market for buyers. Because
19 bank-owned properties were the predominant form of transfer of real
20 estate within the area of the Property, willing buyers would have
21 considered these properties within buyers' purchase calculations.
22 Therefore, it is appropriate to include bank-owned properties in
23 determining the fair market value of the Property because these types
24 of properties were available on the market and were actively
25 competing against private sales in the real estate market.

26 Even though there is the potential argument that bank owners of
27 foreclosed property are under different motivations than private
28 party owners of owner occupied homes, there is no objective method to

1 determine the value of the potential difference of motivation. Ordaz
2 testified that it is not common appraisal practice to make
3 adjustments based on whether a home is owner-occupied or bank-owned
4 because of the impossibility of making an objective valuation of the
5 different motivations of the parties. A valuation of an adjustment
6 for the different motivations of the parties would require the
7 appraiser to devine the subjective intentions of the parties. Such
8 an adjustment is unworkable in appraisal practice and cannot be used
9 adjust value here. Moreover, two out of three of Chtchetinin's
10 comparables were also bank-owned properties indicating that
11 Chtchetinin believed bank-owned properties were highly relevant to
12 the valuation of the Property. Therefore, based on testimony that
13 bank-owned properties predominated in the subject real estate market
14 and that both appraisers included bank-owned properties in their
15 respective appraisal reports, the Court finds sufficient evidence to
16 conclude that willing buyers would have certainly considered bank-
17 owned properties in their purchase calculations and making objective
18 adjustments for differences in sellers' motivations is not practical
19 or even possible.

20 Debtors raised additional issues claiming that these issues
21 could have influenced the fair market value of the Property. The
22 expert appraisers differed on the appropriateness of using comparable
23 sales that did not close prior to the bankruptcy petition. As the
24 two experts disagreed, the Court frankly does not know whether it is
25 appropriate in the appraiser profession for Chtchetinin to rely on
26 these properties as comparables. However, for the purpose of this
27 decision only, with no precedential value intended, the Court will
28

1 assume that the use of these properties as comparables is allowed in
2 the profession.

3 Neither party cited, and the Court did not find any law
4 expressly permitting or prohibiting such use and it appears that the
5 Serda decision may have used such sales. The Giffords' expert
6 testified that all of the sales used in his report did eventually
7 close for the prices stated in the appraisal report. Debtors argued
8 that Debtors would not have known that these homes were sold for
9 these prices at the time of the bankruptcy petition and thus would
10 not have known -- in deciding how to price Debtors' home for sale --
11 to consider those homes.

12 The Court's only objective is to determine the fair market value
13 of the Property at the time of the bankruptcy petition. The Court
14 agrees with Debtors that unclosed sales -- which Debtors and other
15 parties in the market for homes at the time would not have known --
16 are sales which could not have been used by Debtors to determine the
17 market price at the time of the bankruptcy petition. However, these
18 comparables are the only comparables used by the Giffords expert.
19 Because, even considering these comparables, this Court finds that
20 the fair market value of the Property at the time of Debtors'
21 bankruptcy petition was less than the amount of the senior secured
22 debt owed to US Bank, the Court will consider the unclosed
23 comparables, notwithstanding this Court's reservations.

24 Debtors testified regarding the condition and surroundings of
25 the subject property. Debtors testified to the appearance of mold,
26 a leaking sink in one of the home's bathrooms and that the water had
27 caused discoloration on the floor of the bathroom. Debtors also
28 testified the Property is located near a park and a school where the

1 for these factors. While the appearance of mold, leaks and water
2 discoloration are likely to have had a negative impact on the
3 potential selling price of the Property, the park and school may have
4 had positive impacts. Without additional evidence, any adjustment
5 based on these factors is speculative. The Court chooses to focus on
6 the comparables and the central tendency of the values found in the
7 appraisal reports.

8 Based on the evidence admitted at the hearing and the arguments
9 of counsel, the Court finds that the fair market value of the
10 Property at the time of Debtors' bankruptcy petition was less than
11 \$387,435.63, the amount of the senior secured debt owed to US Bank.

12
13 III.

14 CONCLUSION

15 For the foregoing reasons, Debtors' Motion to determine the
16 value and status of the Giffords Lien as wholly unsecured and void is
17 granted. The Court finds that the value of the Property was less
18 than the amount secured by the first deed of trust. Accordingly, the
19 Giffords' secured claim is wholly unsecured and is not entitled to
20 the protection of Bankruptcy Code section 1322(b)(2). Counsel for
21 Debtors shall prepare a proposed form of order, serve it on counsel
22 for the Giffords, and submit it to the Court.

23
24
25 Dated: 1/31/11

26 
27 ARTHUR S. WEISSBRODT
28 UNITED STATES BANKRUPTCY JUDGE

Court Service List

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

Victoriano David Duarte
767 Lakehaven Dr
Sunnyvale, CA 94089

Annaliza Pugeda Duarte
767 Lakehaven Dr
Sunnyvale, CA 94089

Drew Henwood
Law Offices of Drew Henwood
41 Sutter St. #621
San Francisco, CA 94104

Benjamin R. Levinson
Law Office of Benjamin R. Levinson
46 N. Second Street, Suite A
Campbell, CA 95008

Devin Derham-Burk
P.O. Box 50013
San Jose, CA 95150-0013

Office of the U.S. Trustee / SJ
U.S. Federal Bldg.
280 S 1st St. #268
San Jose, CA 95113-3004