



Entered on Docket  
June 07, 2007

Hon. Linda B. Riegler  
United States Bankruptcy Judge

AUGUST B. LANDIS, ASSISTANT UNITED STATES TRUSTEE  
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UNITED STATES DEPARTMENT OF JUSTICE  
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Attorneys for the Acting United States Trustee,  
SARA L. KISTLER

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

**THOMAS A. HANTGES,**

Debtor.

Chapter 11 - Involuntary

Case No. BK-S-07-13163-LBR

Date: June 4, 2007

Time: 1:30 p.m.

**ORDER FOR APPOINTMENT OF AN INTERIM TRUSTEE**

This matter came on for hearing pursuant to the following papers filed with the Court:

1. Emergency (1) Motion Under 11 U.S.C. §§ 303(f) and (g), 105 and 1104(a) for an Order Appointing an Interim Trustee, and (2) Ex Parte Motion for an Order Immediately Restricting the Alleged Debtor's Business-Related Activities Pending Appointment of an Interim Trustee [DE # 2], filed by USA Capital

1 Diversified Trust Deed Fund, LLC ("**Diversified**") and the UASCM Liquidating  
2 Trust ("**Trust**"), two of the three petitioning creditors<sup>1</sup> in this involuntary case;

3 2. Opposition to that motion [DE # 26] filed by the alleged debtor, Thomas A.

4 Hantges ("**Hantges**");

5 3. Reply to Hantges' opposition filed by Diversified and the Trust [DE # 27]; and

6 4. Hantges' Emergency Motion for Order to Extend Time for Debtor to Respond to

7 Creditors' Emergency Motion Under 11 U.S.C. §§ 303(f) and (g) and 105 and

8 1104(a) for an Order Appointing an Interim Trustee, and Ex Parte Motion for an

9 Order Immediately Restricting the Alleged Debtor's Business-Related Activities

10 Pending Appointment of an Interim Trustee [DE # 25].

11 For the reasons stated on the record at the hearing, the Court is satisfied that sufficient  
12 notice of the hearing on the matters identified above was provided prior to the hearing. Matthew  
13 Q. Callister and Matthew P. Pawlowski appeared on Mr. Hantges' behalf. Marc Levinson,  
14 Jeffery D. Hermann, and Anne Loraditch appeared on behalf of Diversified. Rob Charles  
15 appeared on behalf of the Trust. Assistant United States Trustee August B. Landis appeared on  
16 behalf of the United States Trustee. Other appearances were noted on the record, and arguments  
17 were made concerning the relief requested in the petitioning creditors' motion, the resistance  
18 thereto, and Hantges' request for additional time to respond.

19 The Court has reviewed and considered the motion, the various declarations submitted in  
20 support of the motion, and the arguments of counsel made at the June 4, 2007 hearing. Pursuant  
21 to the Court's findings of fact and conclusions of law made on the record during the June 4, 2007  
22 hearing in accordance with FED. R. BANKR. P. 9016(c) and 7052:

23 **IT IS ORDERED** that, pursuant to 11 U.S.C. § 1104(a), and in the alternative pursuant  
24 to 11 U.S.C. §§ 303(g) and 105(a), the United States Trustee shall appoint an interim trustee to  
25 take immediate possession of the property of the estate and to operate any business of the debtor.

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<sup>1</sup>The third petitioning creditor is Nevada State Bank.

1           **IT IS FURTHER ORDERED** that effective immediately, pending the trial on the  
2 involuntary petition filed in this case, the Trustee is authorized to release the following sums to  
3 Hantges:

- 4           1.       The amount of actual mortgage payments payable to existing third-party  
5                    mortgage lender(s) for debt secured by real estate owned by Hantges that is  
6                    property of the bankruptcy estate; and
- 7           2.       Amounts necessary to pay ordinary living expenses, not to exceed the expense  
8                    standards applicable to Nevada debtors when completing the Chapter 11  
9                    Statement of Current Monthly Income (Official Form B22B).

10           **IT IS FURTHER ORDERED** that Hantges' motion requesting an extension of time  
11 [DE # 25] is **DENIED**.

1 **Submitted by:**

2 SARA L. KISTLER  
3 ACTING UNITED STATES TRUSTEE  
4 REGION 17

5 By: /s/ August B. Landis  
6 August B. Landis  
7 Assistant United States Trustee  
8 Las Vegas, Nevada

9 **Approved/Disapproved**

10 **ORRICK, HERRINGTON &  
11 SUTCLIFFE, LLP**

12 By: /s/  
13 Marc A. Levinson  
14 Jeffery D. Hermann

15 **-AND-**

16 **Approved / Disapproved:**

17 **BECKLEY SINGLETON, CHARTERED**

18 By: /s/  
19 Anne M. Loraditch

20 *Attorneys for Petitioning Creditor, USA  
21 Capital Diversified Trust Deed Fund, LLC*

9 **Approved/Disapproved**

10 **LEWIS AND ROCA, LLP**

11 By: /s/  
12 Rob Charles

13 *Attorneys for Petitioning Creditor, USACM  
14 Liquidating Trust*

15 **Approved / Disapproved:**

16 **CALLISTER & REYNOLDS**

17 By: /s/  
18 Matthew Q. Callister  
19 Matthew P. Pawlowski

20 *Attorneys for Alleged Debtor, Thomas A.  
21 Hantges*

**RULE 9021 DECLARATION**

In accordance with Local Rule 9021, the undersigned certifies that:

The Court waived the requirements of Local Rule 9021.

A copy of this proposed order has been delivered to the following attorneys and unrepresented parties who appeared at the hearing regarding this matter and/or who filed a written objection, and they have:

Approved the form of this order

Waived signature in open court; and/or

Failed to file and serve papers in accordance with Local Rule 9021(c).

I have delivered a copy of this proposed order to all attorneys and unrepresented parties who appeared at the hearing regarding this matter and/or who filed a written objection, and all have either approved the form of this order, waived the right to review the order, failed to file and serve papers in accordance with Local Rule 9021(c), and the following have disapproved the order:

No opposition was filed in response to the motion, and no other party or counsel appeared at the hearing.

**SARA L. KISTLER  
ACTING UNITED STATES TRUSTEE  
REGION 17**

By:           /s/ August B. Landis            
August B. Landis  
Assistant United States Trustee  
Las Vegas, Nevada

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