

ENTRY NO. 01102027

11/21/2018 11:37:56 AM B: 2487 P: 1503

Bankruptcy PAGE 1/4

SUMMIT COUNTY UTAH RECORDER

FEE 16.00 BY PACHULSKI STANG ZIEHL & JONES LLP



UNITED STATES BANKRUPTCY COURT
Central District of California

I hereby attest and certify that on November 20, 2018 the attached reproduction(s),
containing 3 pages, is a full, true and correct copy of the complete document
entitled: Judgment Against Layfield V, LLC as to Storage Unit Property

Case #: 2:18-AP-01050-NB Doc #: 40

which includes: Exhibits Attachments

on file in my office and in my legal custody at the marked location:

255 E. Temple Street, Suite 100
Los Angeles, CA 90012

3420 Twelfth Street, Suite 125
Riverside, CA 92501-3819

411 West 4th Street, Suite 2074
Santa Ana, CA 92701-4593

1415 State Street
Santa Barbara, CA 93101-2511

21041 Burbank Boulevard
Woodland Hills, CA 91367

KATHLEEN J. CAMPBELL
Clerk of Court

By: 

Deputy Clerk

**THIS CERTIFICATION IS VALID ONLY WITH THE
UNITED STATES BANKRUPTCY COURT SEAL.**

1 Debra I. Grassgreen (CA Bar No. 169978)
2 Malhar S. Pagay (CA Bar No. 189289)
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FILED & ENTERED
NOV 20 2018
CLERK U.S. BANKRUPTCY COURT
Central District of California
BY ghaltchi DEPUTY CLERK

10 Attorneys for Plaintiff Richard M. Pachulski, Chapter 11
11 Trustee for the Bankruptcy Estate of Layfield & Barrett,
12 APC

13 UNITED STATES BANKRUPTCY COURT
14 CENTRAL DISTRICT OF CALIFORNIA, LOS ANGELES DIVISION

15 In re:

Case No.: 2:17-bk-19548-NB

16 LAYFIELD & BARRETT, APC,

Chapter 11

17 Debtor.

18 RICHARD M. PACHULSKI, Chapter 11
19 Trustee for the bankruptcy estate of Layfield &
20 Barrett, APC,

Adv. Case No.: 2:18-ap-01050-NB

21 Plaintiff,

**JUDGMENT AGAINST LAYFIELD V,
22 LLC, AS TO STORAGE UNIT
23 PROPERTY [TCVC-A-2AM]**

24 vs.

Status Conference:
Date: October 24, 2018
Time: 10:00 a.m.
Place: Courtroom "1545"
255 E. Temple Street
Los Angeles, CA 90012

25 LAYFIELD V, LLC, a Delaware limited
26 liability company and PHILIP LAYFIELD, an
27 individual,

28 Defendants.

29 The Court having entered its *Order Approving Stipulation to Amend Judgment As to Layfield*
30 *V, LLC to Include Storage Unit* [Docket. No. 39], and good cause appearing therefor,

31 IT IS ORDERED, ADJUDGED, AND DECREED as follows:

- 32 1. Judgment is entered in favor of Richard M. Pachulski, in his capacity as Chapter 11
33 Trustee (the "Trustee") for the bankruptcy estate of Layfield & Barrett, APC, and against Layfield
34 V, LLC, a Delaware limited liability company, as to the Subject Real Property (as defined below).

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

1 2. The transfer from Layfield & Barrett, APC, to Layfield V, LLC, of Layfield &
2 Barrett, APC's interests in that real property (the "Transfer") described as:

3 Storage Unit A, TOLL CREEK VILLAGE SECOND AMENDED, a
4 Utah Condominium Project, together with its appurtenant undivided
5 ownership interest in and to the Common Areas and Facilities, as
6 established and described in the Record of Survey Map recorded August
7 13, 2010 as Entry No. 904718, and in the Declaration of Covenants,
8 Conditions and Restrictions of Toll Creek Village Office
9 Condominiums, recorded September 2, 2005 as Entry No. 749496 in
10 Book 1730 at page 1816, the Amendment to Declaration of Covenants,
11 Conditions and Restrictions of Toll Creek Village Office
12 Condominiums recorded February 27, 2008 as Entry No. 838525 in
13 Book 1916 at page 1360, and Third Amendment to Declaration of
14 Covenants, Conditions and Restrictions of Toll Creek Village Office
15 Condominiums recorded September 19, 2013 as Entry No. 979487 in
16 Book 2207 at page 1236, records of Summit County, Utah. TCVC-A-
17 2AM

18 (the "Subject Real Property") effectuated through a Quitclaim Deed recorded with the Summit
19 County, Utah Recorder on April 17, 2017, assigned Document No. 01-067474, is hereby avoided.

20 3. All right, title and interest of Layfield & Barrett, APC, in the Subject Real Property
21 immediately preceding the execution of the Quitclaim Deed is hereby transferred to and vested in the
22 bankruptcy estate of Layfield & Barrett, APC.

23 4. The Court expressly determines that there is no just reason for delay in entry of a final
24 disposition of this matter with respect to Layfield V, LLC. Therefore, as against defendant Layfield
25 V, LLC, this Judgment is intended to be final for all purposes. *See* Rule 54(b) (Fed. R. Civ. P.)
26 incorporated by Rule 7054, Fed. R. Bankr. P.). *See also* Rule 9001(7) (Fed. R. Bankr. P.).

3. The Motion is granted under:
- a. 11 U.S.C. § 362(d)(1)
 - b. 11 U.S.C. § 362(d)(2)
 - c. 11 U.S.C. § 362(d)(3)
 - d. 11 U.S.C. § 362(d)(4). The filing of the bankruptcy petition was part of a scheme to hinder, delay, or defraud creditors that involved:
 - (1) The transfer of all or part ownership of, or other interest in, the Property without the consent of the secured creditor or court approval; and/or
 - (2) Multiple bankruptcy cases affecting the Property.
 - (3) The court makes does not make cannot make a finding that the Debtor was involved in this scheme.
 - (4) If recorded in compliance with applicable state laws governing notices of interests or liens in real property, this order shall be binding in any other case under this title purporting to affect the Property filed not later than 2 years after the date of the entry of this order by the court, except that a debtor in a subsequent case under this title may move for relief from this order based upon changed circumstances or for good cause shown, after notice and a hearing. Any federal, state or local government unit that accepts notices of interests or liens in real property shall accept any certified copy of this order for indexing and recording.
4. As to Movant, its successors, transferees and assigns, the stay of 11 U.S.C. § 362(a) is:
- a. Terminated as to the Debtor and the Debtor's bankruptcy estate.
 - b. Modified or conditioned as set forth in Exhibit _____ to this order.
 - c. Annulled retroactively to the bankruptcy petition date. Any postpetition acts taken by Movant to enforce its remedies regarding the Property do not constitute a violation of the stay.
5. Movant may enforce its remedies to foreclose upon and obtain possession of the Property in accordance with applicable nonbankruptcy law, but may not pursue any deficiency claim against the Debtor or property of the estate except by filing a proof of claim pursuant to 11 U.S.C. § 501.
6. Movant must not conduct a foreclosure sale of the Property before (*date*) _____.
7. The stay shall remain in effect subject to the terms and conditions set forth in the Adequate Protection Agreement contained within this order.
8. In chapter 13 cases, the trustee must not make any further payments on account of Movant's secured claim after entry of this order. The secured portion of Movant's claim is deemed withdrawn upon entry of this order without prejudice to Movant's right to file an amended unsecured claim for any deficiency. Absent a stipulation or order to the contrary, Movant must return to the trustee any payments received from the trustee on account of Movant's secured claim after entry of this order.
9. The co-debtor stay of 11 U.S.C. § 1201(a) or § 1301(a) is terminated, modified or annulled as to the co-debtor, as to the same terms and conditions as to the Debtor.
10. The 14-day stay as provided in FRBP 4001(a)(3) is waived.
11. This order is binding and effective despite any conversion of this bankruptcy case to a case under any other chapter of the Bankruptcy Code.
12. Movant, or its agents, may, at its option, offer, provide and enter into a potential forbearance agreement, loan modification, refinance agreement or other loan workout or loss mitigation agreement. Movant, through its servicing agent, may contact the Debtor by telephone or written correspondence to offer such an agreement.

13. Upon entry of this order, for purposes of Cal. Civ. Code § 2923.5, the Debtor is a borrower as defined in Cal. Civ. Code § 2920.5(c)(2)(C).
14. A designated law enforcement officer may evict the Debtor and any other occupant from the Property regardless of any future bankruptcy case concerning the Property for a period of 180 days from the hearing of this Motion
- (a) without further notice.
- (b) upon recording of a copy of this order or giving appropriate notice of its entry in compliance with applicable nonbankruptcy law.
15. This order is binding and effective in any bankruptcy case commenced by or against the Debtor for a period of 180 days, so that no further automatic stay shall arise in that case as to the Property.
16. This order is binding and effective in any bankruptcy case commenced by or against any debtor who claims any interest in the Property for a period of 180 days from the hearing of this Motion:
- (a) without further notice.
- (b) upon recording of a copy of this order or giving appropriate notice of its entry in compliance with applicable nonbankruptcy law.
17. This order is binding and effective in any future bankruptcy case, no matter who the debtor may be
- (a) without further notice.
- (b) upon recording of a copy of this order or giving appropriate notice of its entry in compliance with applicable nonbankruptcy law.
18. Other (*specify*):

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Date: July 13, 2023



Neil W. Bason
United States Bankruptcy Judge

ATTACHMENT – LEGAL DESCRIPTION

Storage Unit A, TOLL CREEK VILLAGE SECOND AMENDED, a Utah Condominium Project, together with its appurtenant undivided ownership interest in and to the Common Areas and Facilities, as established and described in the Record of Survey Map recorded August 13, 2010 as Entry No. 904718, and in the Declaration of Covenants, Conditions and Restrictions of Toll Creek Village Office Condominiums, recorded September 2, 2005 as Entry No. 749496 in Book 1730 at page 1816, the Amendment to Declaration of Covenants, Conditions and Restrictions of Toll Creek Village Office Condominiums recorded February 27, 2008 as Entry No. 838525 in Book 1916 at page 1360, and Third Amendment to Declaration of Covenants, Conditions and Restrictions of Toll Creek Village Office Condominiums recorded September 19, 2013 as Entry No. 979487 in Book 2207 at page 1236, records of Summit County, Utah. TCVC-A-2AM