

1 Douglas G. Boven (State Bar No. 47493)
Gregg M. Ficks (State Bar No. 148093)
2 CROSBY, HEAFEY, ROACH & MAY
Professional Corporation
3 1999 Harrison Street
Post Office Box 2084
4 Oakland, CA 94604-2084
Telephone: (510) 763-2000
5

ENVIRONMENTAL
PROTECTION

95 MAR 21 PM 1:55

6 R. Kingsbury, Lane Corporation
Robert K. Lane (State Bar No. 51934)
One Kaiser Plaza, Suite 301
7 Oakland, California 94612-3573
Telephone: (510) 465-1933
8

9 Attorneys for Debtor
Grand Avenue Development
10

11 UNITED STATES BANKRUPTCY COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13

14 In re

Case No. 91-47725 IJ

15 GRAND AVENUE DEVELOPMENT,
a California General
16 Partnership,

Chapter 11

17 Debtor.
18 _____/

DECLARATION OF GREGG M.
FICKS IN SUPPORT OF ENTRY OF
ORDER DISALLOWING CLAIMS OR
LIMITING AMOUNT OF CLAIMS

19 I, Gregg M. Ficks, declare:
20

21 1. I am an associate attorney at Crosby, Heafey,
22 Roach & May Professional Corporation, attorneys for Grand Avenue
23 Development, reorganized debtor herein ("Debtor"). I make this
24 declaration in support of entry of Order Disallowing or Limiting
25 Claims submitted herewith. I have personal knowledge of the
26 matters stated herein and if called as a witness could
27 competently testify to them.
28

DECLARATION OF GREGG M. FICKS IN SUPPORT OF ENTRY OF
ORDER DISALLOWING CLAIMS OR LIMITING AMOUNT OF CLAIMS

1 2. On January 23, 1995, I caused a Notice of
2 Objections to Claims; Objections to Claims; and Notice of Time to
3 Respond to Objections (the "Notice") to be served on all
4 creditors holding claims to which Debtor objects. A copy of the
5 Notice is attached hereto as Exhibit "A." A copy of the Proof of
6 Service evidencing service of the Notice is attached hereto as
7 Exhibit "B."

8
9 3. The Notice informed the creditors listed thereon
10 that Debtor was objecting to their claims for the reasons, and in
11 the amount, specified in the Notice. The Notice was supported by
12 the Declaration of Patrick Ellwood in Support of Objections to
13 Claims. A copy of the Declaration is attached hereto as Exhibit
14 "C."

15
16 4. The Notice provided that all creditors wishing to
17 object to the disallowance or limiting the amount of their claims
18 as specified in the Notice, or any creditor requesting a hearing
19 thereon, must be file and serve such Objection or Request for
20 Hearing on Debtor, in care of me, within twenty (20) days of the
21 mailing of the Notice.

22
23 5. More than twenty (20) days have lapsed since the
24 mailing of the Notice. Debtor received one written objection to
25 the disallowance of a claim, which claim is held by David E.
26 Arnold & Associates. Debtor also entered into one verbal
27 agreement not to currently seek entry of an order disallowing the
28 claim of Thomas P. Christian. Debtor is not seeking disallowance

1 of the claims held by David E. Arnold & Associates Thomas P.
 2 Christian at this time.

3
 4 6. Debtor seeks entry of an order disallowing the
 5 claims held by the following creditors, or limiting the amount of
 6 their claims as specified herein:

Creditor	Claim No.	Amount of Claim as Filed	Claim Disallowed or Amount of Claim
Alameda County Health Services	26, 27	Not specified	-0- (Disallowed)
Robert P. Erskine & Tully	23	Not specified	-0- (Disallowed)
Leonard Gross/ Hallenbeck & Assoc.	9	\$27,094.73	\$19,000
KCA Civil Engineers/ Bruhnkee & Associates	14, 15	Not specified	-0- (Disallowed)
C.W. Kraft	16	Not specified	-0- (Disallowed)
Mike Pederson/ VHA Company	19	Not specified	-0- (Disallowed)
O'Brien Appraisal Company	25	\$833.75	-0- (Disallowed)
Small & Mighty Masonry/Kenny Mays	18	Not specified	-0- (Disallowed)

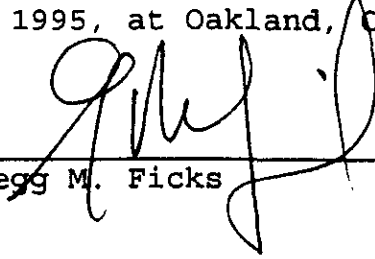
23 WHEREFORE, Debtor prays that the Court enters an order
 24 disallowing the above claims or limiting the amount of the above
 25 - - - - -
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CROSBY, HEAFEY, ROACH & MAY
 PROFESSIONAL CORPORATION

1 claims as specified herein, and for other relief as the Court
2 deems proper.

3
4 I declare under penalty of perjury under the laws of
5 the United States that the foregoing is true and correct.

6 Executed this 7th day of March, 1995, at Oakland, California.

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9 _____
10 Gregg M. Ficks

CROSBY, HEAFEY, ROACH & MAY
PROFESSIONAL CORPORATION

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8
9 Attorneys for Debtor
Grand Avenue Development

10
11 UNITED STATES BANKRUPTCY COURT
12 NORTHERN DISTRICT OF CALIFORNIA

13
14 In re

Case No. 91-47725 IJ

15 GRAND AVENUE DEVELOPMENT,
a California General
16 Partnership,

Chapter 11

17 Debtor.

NOTICE OF OBJECTIONS TO
CLAIMS; OBJECTIONS TO
CLAIMS; AND NOTICE OF TIME
TO RESPOND TO OBJECTIONS

(No Hearing Unless
Requested)

18
19
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21 TO THE HONORABLE EDWARD D. JELLEN, UNITED STATES
22 BANKRUPTCY JUDGE, THE CREDITORS NAMED HEREIN AND THEIR COUNSEL OF
23 RECORD, THE UNITED STATES TRUSTEE, AND ALL OTHER PARTIES-IN-
24 INTEREST:

25
26 PLEASE TAKE NOTICE that pursuant to Federal Rule of
27 Bankruptcy Procedure 3007 and Local Bankruptcy Rule 7-914, Grand
28 Avenue Development, a California General Partnership, debtor and
NOTICE OF OBJECTIONS TO CLAIMS; OBJECTIONS
TO CLAIMS; AND NOTICE OF TIME TO RESPOND TO OBJECTIONS

1 debtor-in-possession herein ("Debtor"), hereby objects to the
2 allowance of the claims described herein, to the extent objected
3 to, and upon the grounds stated herein.
4

5 **PLEASE TAKE FURTHER NOTICE** that Local Rule 7-914 of the
6 United States Bankruptcy Court for the Northern District of
7 California prescribes the procedures to be followed with regard
8 to objections to claims. Any objection to the requested relief,
9 or request for hearing on the matter, must be filed and served
10 upon the requesting party within twenty (20) days of mailing of
11 this Notice. Any request for hearing and papers as required by
12 Local Rule 7-914 shall be filed with the Clerk of the United
13 States Bankruptcy Court, 1300 Clay Street, Room 300, Oakland,
14 California 94612, with copies served upon attorneys for Debtor as
15 follows: Gregg M. Ficks, Esq., Crosby, Heafey, Roach & May, P.O.
16 Box 2084, Oakland, CA 94604-2084.
17

18 **PLEASE TAKE FURTHER NOTICE** that any request for hearing
19 or objection must be accompanied by any declarations or
20 memorandum of law that the objecting party wishes to present in
21 support of its position. If there is not a timely objection to
22 the requested relief or a request for hearing, the Court may
23 enter an order granting the relief by default. If a timely
24 objection or request for hearing is filed, Debtor will give at
25 least ten (10) days' written notice of any hearing to the
26 objecting party and to any trustee or committee appointed in the
27 case.
28

1 PLEASE TAKE FURTHER NOTICE that this Objection is
2 based on this Notice of Objections to Claims and Objections to
3 Claims, the Notice of Time To Respond to Objections contained
4 herein, and the Declaration of Patrick Ellwood submitted
5 herewith.

6
7 OBJECTIONS TO CLAIM

8
9 Debtor objects to the following claims, held by the
10 following creditors, for the reasons stated below:

11
12

Creditor	Claim No.	Amount of Claim as Filed	Reason for Objection	Actual Amount of Claim per Debtor's Records
Alameda County Health Services	26, 27	Not specified	In litigation to be completely resolved in state court action	-0-
David E. Arnold & Assoc.	4	Not specified	Claim amount disputed - offset claim	-0-
Robert P./ Erskine & Tully	23	Not specified	Claim amount disputed	-0-
Leonard Gross/ Hallenbeck & Assoc.	9	\$27,094.73	Allowed in \$19,000 per agreement between parties	19,000

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KCA Civil Engineers/ Bruhnkee & Associates	14, 15	Not specified	Duplicate claim amount as in claim of David E. Arnold & Assoc.	-0-
C.W. Kraft	16	Not specified	Pre- bankruptcy Statute of Limitations expired	-0-
Mike Pederson/ VHA Company	19	Not specified	Claim amount disputed; offset claim	-0-
O'Brien Appraisal Company	25	\$833.75	Claim amount disputed	-0-
Small & Mighty Masonry/Kenny Mays	18	Not specified	Claim amount disputed; offset claim	-0-
Thomas P. Christian	5	Not specified	Claim amount disputed; offset claim	-0-

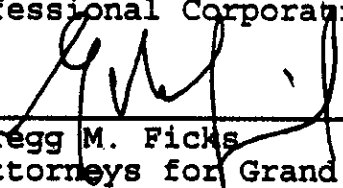
WHEREFORE, Debtor prays that the Court sustain the
objections contained herein and enter orders allowing or

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1 disallowing the claims in the amount asserted by Debtor unless an
2 objection or request for hearing is made thereon.

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4 DATED: January 23, 1995.

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6 CROSBY, HEAFEY, ROACH & MAY
Professional Corporation

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8 By 
9 Gregg M. Ficks
Attorneys for Grand Avenue
10 Development

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CROSBY, HEAFEY, ROACH & MAY
PROFESSIONAL CORPORATION

1 Douglas G. Boven (CBN 47493)
2 Laury Miles Macauley (CBN 127117)
3 Sean E. Svendsen (CBN 138518)
4 CROSBY, HEAFEY, ROACH & MAY
5 Professional Corporation
6 1999 Harrison Street
7 Oakland, CA 94612
8 (510) 763-2000

9 R. KINGSBURY LANE CORPORATION
10 Robert K. Lane (CBN 51934)
11 519 17th Street
12 Suite 710
13 Oakland, CA 94612
14 (510) 465-1933

15 Attorneys for Debtor
16 Grand Avenue Development

17 UNITED STATES BANKRUPTCY COURT
18 NORTHERN DISTRICT OF CALIFORNIA

19 In Re

Case No. 91-47725 IJ

20 GRAND AVENUE DEVELOPMENT,
21 A California General Partnership

Chapter 11

22 Debtor.
23 _____/

24 CERTIFICATE OF SERVICE BY FIRST CLASS MAIL

25 / / /
26 / / /

1 I am a citizen of the United States and a resident of
2 Alameda County. I am over the age of eighteen years and not a
3 party to the within action. I am employed with the law firm of
4 CROSBY, HEAFEY, ROACH & MAY Professional Corporation, 1999
5 Harrison Street, Oakland, CA 94612-3573. On April 12, 1993, I
6 caused to be served via First Class Mail the following:

7
8 **NOTICE OF OBJECTIONS TO CLAIMS; OBJECTIONS TO CLAIMS; AND**
9 **NOTICE OF TIME TO RESPOND TO OBJECTIONS**

10 **DECLARATION OF PATRICK ELLWOOD IN SUPPORT OF OBJECTIONS TO**
11 **CLAIMS**

12 by placing true copies thereof in sealed envelopes with postage
13 thereon fully prepaid, addressed as follows, for collection and
14 mailing pursuant to the ordinary business practice of this
15 office, which is that mail is collected and deposited with the
16 United States Postal Service on the same day in the ordinary
17 course of business:

18
19 **SEE ATTACHED LIST**

20
21 I declare under penalty of perjury under the laws of the
22 State of California that the foregoing is true and correct.

23
24 Date: January 23, 1995.

25 
26 Jon P. Pingree

Hallenbeck & Assoc.
1485 Park Avenue
Emeryville, CA 94608

KCA Civil Engineers
318 Brannan, 2nd Floor
San Francisco, CA 94107

C.W. Kraft
1372 Ballena Blvd. #C
Alameda, CA 94501-3628

Small & Mighty Masonry
Attn: Kenny Mays
229 Willow Avenue
Hayward, CA 94541

Thomas P. Christian
267 Fourth Street
Oakland, CA 94607

O'Brien Appraisal
391 Diablo Road, Suite C
Danville, Ca 94526

David E. Arnold & Assoc.
12 Cinnamon Teal Lane
Novato, CA 94949

Alameda County
Health Care Services Agency
Dept. of Environ. Health
UST Local Oversight Program
80 Swan Way, Room 200
Oakland, CA 94621

Leonard Gross
c/o Hallenbeck & Assoc.
Post Office Box 4003
Palos Verdes, CA 90274

KCA Civil Engineers
c/o Bruhnke & Silver
Post Office Box 3056
Naperville, IL 60566-7056

Robert P. Gates, Esq.
Erskine & Tully
580 Market Street, 6th Floor
San Francisco, CA 94104

Mike Pederson
V.H.A. Company
100 Decker Court, #280
Irving, TX 95038

Mark Pope, Esq.
Office of the U.S. Trustee
1301 Clay Street
Suite 690N
Oakland, CA 94612

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2 Gregg M. Ficks (Bar No. 148093)
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10 Robert K. Lane (Bar No. 51934)
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12 Oakland, California 94612-3573
13 Telephone: (510) 465-1933

14 Attorneys for Debtor,
15 Grand Avenue Development

16 UNITED STATES BANKRUPTCY COURT
17 NORTHERN DISTRICT OF CALIFORNIA

18 In re

Case No. 91-47725 IJ

19 GRAND AVENUE DEVELOPMENT,
20 a California General
21 Partnership,

Chapter 11

22 Debtor.

DECLARATION OF PATRICK
ELLWOOD IN SUPPORT OF
OBJECTIONS TO CLAIMS

23 I, Patrick Ellwood, declare:

24 1. I am President of Grand Avenue Development, a
25 California General Partnership, debtor and debtor-in-possession
26 herein ("Debtor"). I make this Declaration in support of
27 Debtor's Objections to Claims. I have personal knowledge of the
28 matters stated herein and if called as a witness could
competently testify to them.


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2. I have reviewed the claims filed by all creditors in this bankruptcy case. I have also reviewed Debtor's books and records regarding those claims, and compared those records with the claims filed by creditors.

3. Based on my review of Debtor's books and records, and my review of the Proofs of Claim filed by creditors in this case, I have determined that the claims listed on the accompanying Notice of Objections to Claims and Objections to Claims are not supported by Debtor's books and records. I have therefore caused Debtor to object to the claims listed on the accompanying Objections for the reasons stated therein.

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

Executed this 23rd day of January, 1995 at Oakland, California.



Patrick Ellwood

CERTIFICATE OF SERVICE BY FIRST CLASS MAIL

I am a citizen of the United States and a resident of Alameda County. I am over the age of eighteen years and not a party to the within action. I am employed with the law firm of CROSBY, HEAFEY, ROACH & MAY Professional Corporation, 1999 Harrison Street, Oakland, CA 94612-3573. On April 12, 1993, I caused to be served via First Class Mail the within

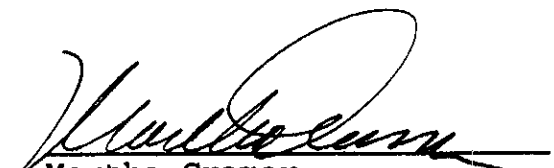
**DECLARATION OF GREGG M. FICKS IN SUPPORT OF
ENTRY OF ORDER DISALLOWING CLAIMS OR LIMITING
AMOUNT OF CLAIMS**

by placing true copies thereof in sealed envelopes with postage thereon fully prepaid, addressed as follows, for collection and mailing pursuant to the ordinary business practice of this office which is that mail is collected and deposited with the United States Postal Service on the same day in the ordinary course of business:

SEE ATTACHED LIST

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: March 17, 1995.


Martha Cramer

Hallenbeck & Assoc.
1485 Park Avenue
Emeryville, CA 94608

KCA Civil Engineers
318 Brannan, 2nd Floor
San Francisco, CA 94107

C.W. Kraft
1372 Ballena Blvd. #C
Alameda, CA 94501-3628

Small & Mighty Masonry
Attn: Kenny Mays
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Oakland, CA 94607

O'Brien Appraisal
391 Diablo Road, Suite C
Danville, Ca 94526

David E. Arnold & Assoc.
12 Cinnamon Teal Lane
Novato, CA 94949

Alameda County
Health Care Services Agency
Dept. of Environ. Health
UST Local Oversight Program
80 Swan Way, Room 200
Oakland, CA 94621

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Erskine & Tully
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San Francisco, CA 94104

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V.H.A. Company
100 Decker Court, #280
Irving, TX 95038

Mark Pope, Esq.
Office of the U.S. Trustee
1301 Clay Street
Suite 690N
Oakland, CA 94612

March 17, 1995

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2 Gregg M. Ficks (Bar No. 148093)
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14 Attorneys for Debtor
15 Grand Avenue Development

16 UNITED STATES BANKRUPTCY COURT
17 NORTHERN DISTRICT OF CALIFORNIA

18 In re Case No. 91-47725 IJ
19 GRAND AVENUE DEVELOPMENT, Chapter 11
20 a California General
21 Partnership, ORDER DISALLOWING CLAIMS OR
22 Debtor. LIMITING AMOUNT OF CLAIMS

23
24 Based on the Notice of Objections to Claims; Objections
25 to Claims; and Notice of Time To Respond To Objections (the
26 "Notice") filed by Grand Avenue Development, reorganized Chapter
27 11 debtor herein ("Debtor") on or about January 23, 1995, and
28 based on the Declaration of Patrick Ellwood in Support of
Objections to Claims filed therewith, and based on the
Declaration of Gregg M. Ficks filed in support of entry of Order
Disallowing Claims or Limiting Claims filed herewith, the Court,
finding that service of the Notice, the Declaration of Patrick
Ellwood and the Declaration of Gregg M. Ficks has been proper,

1 and good cause appearing, hereby ORDERS AS FOLLOWS:

2
3 The amounts of the following claims in this Chapter 11
4 bankruptcy case are disallowed in their entirety or limited in
5 amount as specified below:

Creditor	Claim No.	Amount of Claim as Filed	Claim Disallowed or Amount of Claim
Alameda County Health Services	26, 27	Not specified	-0- (Disallowed)
Robert P. Erskine & Tully	23	Not specified	-0- (Disallowed)
Leonard Gross/Hallenbeck & Assoc.	9	\$27,094.73	\$19,000
KCA Civil Engineers/Bruhnkee & Associates	14, 15	Not specified	-0- (Disallowed)
C.W. Kraft	16	Not specified	-0- (Disallowed)
Mike Pederson/ VHA Company	19	Not specified	-0- (Disallowed)
O'Brien Appraisal Company	25	\$833.75	-0- (Disallowed)
Small & Mighty Masonry/Kenny Mays	18	Not specified	-0- (Disallowed)

22 IT IS SO ORDERED.

23
24 DATED: _____

25
26
27 The Honorable Edward D. Jellen
United States Bankruptcy Judge

28 ORDER DISALLOWING CLAIMS OR LIMITING
AMOUNT OF CLAIMS

Hallenbeck & Assoc.
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Emeryville, CA 94608

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