

PETER C. ANDERSON, UNITED STATES TRUSTEE JILL M. STURTEVANT ASSISTANT UNITED STATES TRUSTEE RUSSELL CLEMENTSON, SBN 143284 TRIAL ATTORNEY OFFICE OF THE UNITED STATES TRUSTEE 725 S. Figueroa Street, Suite 2600 Los Angeles, California 90017 Telephone (213) 894-4505 Facsimile: (213) 894-2603 russell.clementson@usdoj.gov	FOR COURT USE ONLY Revised 10/05
UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA LOS ANGELES DIVISION	CHAPTER 11 CASE NUMBER 2:09-bk-38287 BR
In re Aniko Kaye Debtor(s).	
NOTICE OF MOTION AND MOTION UNDER 11 U.S.C. § 1112(b) TO CONVERT OR DISMISS CASE WITH AN ORDER DIRECTING PAYMENT OF QUARTERLY FEES AND FOR JUDGMENT THEREON; DECLARATION OF BANKRUPTCY ANALYST	

TO THE DEBTOR, DEBTOR'S ATTORNEY, CREDITORS, AND OTHER INTERESTED PARTIES:

NOTICE IS HEREBY GIVEN that on the following date and time in the indicated courtroom, the United States Trustee will move, and does hereby move the Court for an order either converting the above entitled chapter 11 case to chapter 7 or dismissing the case, for payment of quarterly fees, for judgment thereon and for such other relief as may be appropriate on the grounds set forth below.

Hearing Date: 2/23/2010	Time: 2:00 p.m.	Courtroom: 1668
Location: 255 E. Temple Street, Los Angeles, California 90012		

Local Bankruptcy Rule 9013-1(f) requires that any opposition or response to this motion be stated in writing, filed with the Clerk of the Court and served upon the United States Trustee at the address set forth in the upper left-hand corner of this document, upon the chapter 11 trustee and his or her attorney if a trustee has been appointed, and upon the debtor and the debtor's attorney no less than fourteen (14) days prior to the above hearing date. The court may treat failure to file a written response to this motion within the required time period as consent to the motion.

FILING INFORMATION

A voluntary petition under chapter 7 chapter 11 chapter 13 was filed on: **10/15/2009**
 An involuntary petition under chapter 7 chapter 11 was filed on:
 An order of relief under chapter 7 chapter 11 was entered on:
 An order of conversion to chapter 7 chapter 11 chapter 13 was entered on:

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PROCEDURAL STATUS

- An order for the appointment of a chapter 11 trustee (examiner) was entered on:
- Name of trustee (examiner) appointment:
- Name of attorney of record for trustee (examiner):
- The petition was filed by a Corporation without an attorney in violation of Local Bankruptcy Rule 9011-2 (a) which prohibits a corporation, partnership or unincorporated association from filing a petition or otherwise appearing without counsel except for limited circumstances not applicable to prosecuting this Chapter 11 case.

FACTS

1. The Debtor(s) is/are a small business debtor as that term is defined in 11 U.S.C. § 101(51)(D).
 - To date, no Disclosure Statement or Plan of Reorganization has been filed or submitted by the Debtor(s).
 - The Debtor(s) has failed to schedule a hearing for approval of the Disclosure Statement or Plan.
 - A hearing to consider the adequacy of information in the Debtor's(s') Disclosure Statement is set for:

The disclosure statement was approved by the Court by an Order entered on:

2. The Debtor has failed to comply with the requirements of the United States Trustee Chapter 11 Notices and Guides, Bankruptcy Code and/or Local Bankruptcy Rules by failing to provide documents, financial reports or attend required meetings as follows:
 - Schedules of Assets and Liabilities.
 - Statement of Financial Affairs.
 - Form B22B, Statement of Current Monthly Income.
 - Credit Counseling Certificate and copy of any debt repayment plan.
 - List of the twenty (20) largest unsecured creditors.
 - Notice of Setting/Increasing Insider Compensation.
 - Appear at the Initial Debtor Interview.
 - Appear at the duly noticed §341(a) examination.
 - Real Property Questionnaire(s).
 - Sufficient evidence of closing of all pre-petition bank accounts including: (1) closing bank statements; and (2) a declaration, sworn under penalty of perjury, disclosing all pre-petition bank accounts, including the name and address of the bank, the account number, the date the account was closed and the amount in the account at time of closing. Paragraph 3 below.
 - Sufficient evidence of the opening and maintenance of three debtor-in-possession bank accounts (general, payroll and tax)¹ including: (1) a voided original "debtor-in-possession" check for each account and; (2) a copy of the signature card for each account. Paragraph 3 below
 - Resubmit evidence of current insurance coverage for the 2005 Mercedes Benz CL 600 and the 2005 Ford Focus that includes: (1) the declaration page for each policy; and (2) a declaration, sworn under penalty of perjury, stating that the debtor has all applicable customary insurance required to operate.
 - Proof of required certificates and/or applicable licenses. Previous policy expired on 12/17/09.
 - A list of insiders as defined at 11 U.S.C. § 101(31).
 - Most recently prepared audited and/or unaudited financial statements issued prior to filing.

¹ Unless Debtor has requested in writing that the United States Trustee waive one or more of the required accounts and the United States Trustee has granted the request in writing.

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- A projected cash flow statement for the first ninety (90) days of operation under chapter 11.
- Copies of any and all trust agreements to which the Debtor is a party or under which property is held.
- A conformed copies of the recording of the Debtor's bankruptcy petition in each county in which real property is owned.
- A physical inventory as of the date of filing of the petition.
- A Statement of Major Issues and Timetable Report.
- Copies of the preceding two years of state and federal income tax returns and the most recent payroll and sales tax returns.
- An Employee Benefit Plan Questionnaire
- Monthly Operating Report(s) since filing for the following periods:
From partial month starting 10/15/09 to 10/31/09, and the month of November 2009.
By the time of this hearing, the monthly reports for December 2009 and January 2010 will be due.
- Pay quarterly fees since filing for the following quarters: 4th Quarter 2009 in the estimated amount of \$975.00 by estimates from Debtor's Schedule J.
- Quarterly disbursement amounts for computation of quarterly fees since filing for the following quarters: 1st Quarter 2010 in the estimated amount of \$975.00

3. Additional facts in support of the motion include:

Debtor has submitted inadequate Monthly Operating Reports to the U.S. Trustee for the partial month of October 2009 (Oct.15 to Oct 31) and for the month November 2009. Debtor filed one incomplete and unacceptable report for October and November 2009. Debtor's report does not provide an adequate accounting of cash receipts and disbursements for each property for the period. The report contains only two pages (pages 1 and 2) of the required 16 page report. A true and correct copy of Debtor's Oct/Nov 2009 Monthly Operating Report is attached as Exhibit "1". Debtor's Schedules I and J reflect cash receipts of over \$58,000 per month and disbursements of over \$69,000 for the same period. But Debtor's report does not reflect that amount of receipts or disbursements. True and correct copies of Debtor's Schedules I and J are attached as Exhibits "2" and "3", respectively.

On or about 11/18/09, I, Sam Lor, personally called the Debtor's attorney to request that Debtor redo the reports. To date, Debtor has not submitted any further reports.

Finally, Debtor has not filed a motion for the use of cash collateral. Debtor's reports does not indicate that debtor has segregate its cash funds. A true and correct copy of the Bankruptcy Court Docket dated 01/08/10 is attached as Exhibit "4".

- Attached to the concurrently filed declaration of bankruptcy analyst, are true and correct copies of the following documents in support of the above allegations:

- Exhibit "1" - A true and correct copy of Debtor Oct/Nov 2009 Monthly Operating Report.
- Exhibit "2" - A true and correct copy of Debtor's Schedule I - Current Income of Individual Debtor.
- Exhibit "3" - A true and correct copy of Debtor's Schedule J - Current Expenditures of Individual Debtor .
- Exhibit "4" - A true and correct copy of the Bankruptcy Court Docket dated 01/11/10.

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MEMORANDUM OF POINTS AND AUTHORITIES

- "[O]n request of a party in interest, and after notice and a hearing, absent unusual circumstances specifically identified by the court that establish that the requested conversion or dismissal is not in the best interest of creditors, the court shall convert a case under this chapter to a case under chapter 7 of this title or dismiss a case under this chapter, whichever is in the best interests of creditors and the estate, if the movant establishes cause." *11 U.S.C. § 1112(b)(1)*.
- "For the purposes of this subsection, the term "cause" includes- (A) substantial or continuing loss to or diminution of the estate and the absence of a reasonable likelihood of rehabilitation; (B) gross mismanagement of the estate; (C) failure to maintain appropriate insurance that poses a risk to the estate or to the public; (D) unauthorized use of cash collateral substantially harmful to 1 or more creditors; (E) failure to comply with an order of the court; (F) unexcused failure to satisfy timely any filing or reporting requirement established by this title or by any rule applicable to a case under this chapter; (G) failure to attend the meeting of creditors convened under section 341(a) or an examination ordered under rule 2004 of the Federal Rules of Bankruptcy Procedure without good cause shown by the debtor; (H) failure timely to provide information or attend meetings reasonably requested by the United States Trustee (or the bankruptcy administrator, if any); (I) failure timely to pay taxes owed after the date of the order for relief or to file tax returns due after the date of the order for relief; (J) failure to file a disclosure statement, or to file or confirm a plan, within the time fixed by this title or by order of the court; (K) failure to pay any fees or charges required under chapter 123 of title 28; (L) revocation of an order of confirmation under section 1144 of this title; (M) inability to effectuate substantial consummation of a confirmed plan; (N) material default by the debtor with respect to a confirmed plan; (O) termination of a confirmed plan by reason of the occurrence of a condition specified in the plan; and (P) failure of the debtor to pay any domestic support obligation that first becomes payable after the date of the filing of the petition." *11 U.S.C. § 1112(b)(4)*.
- "In a small business case . . . (2) the plan and disclosure statement (if any) shall be filed not later than 300 days after the date of the order for relief". *11 U.S.C. § 1121(e)(2)*.
- Local Bankruptcy Rule 2015-2(b) provides that timely compliance with the reasonable requirements of the Office of the United States Trustee is mandatory.
- Failure to comply with the reporting requirements of the United States Trustee and the Local Bankruptcy Rules is cause to dismiss a chapter 11 case or convert it to one under chapter 7 (*11 U.S.C. § 1112(b)(1) and (b)(4)*), [*In re 3868-70 White Plains Road Inc.*, 28 B.R. 515 (Bankr. S.D.N.Y. 1983); *In re Bianco*, 5 B.R. 466 (Bank. D. Mass.1980); *In re Pappas*, 17 B.R. 662 (Bankr. D. Mass. 1982)].

The court may convert or dismiss a case where no reasonable possibility of effective reorganization exists, the debtor is unable to effectuate a plan and/or for unreasonable delay which prejudices the rights of creditors. *See, e.g., In re Johnston*, 149 Bankr 158, 161 (9th Cir. BAP 1992).

The court may prohibit the debtor from filing another bankruptcy petition for a period of 180 days where the debtor has failed to properly prosecute the case. *11 U.S.C. §§ 105, 109(g) and 349(a)*.

The United States Trustee Notices and Guides provide that payment of quarterly fees is due upon dismissal of the case. The United States Trustee requests that the court order payment as requested herein and enter a judgment pursuant to Bankruptcy Rules 9014 and 7052 if the case is dismissed.


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Based on the above facts and law, and also based upon such oral and/or documentary evidence as may be presented at the time of the hearing, the United States Trustee respectfully requests as follows.

1. That the Court grant the United States Trustee's motion herein and either dismiss this case or convert it to one under chapter 7 of the United States Bankruptcy Code. The United States Trustee suggests that
 conversion
 dismissal
 dismissal with 180 day bar is more appropriate.
2. If the case is converted to one under chapter 7, that the Court enter an order requiring debtor's counsel to file a fee application under Bankruptcy Code § 330 within thirty (30) days.
3. If the case is dismissed, that the court enter an order prohibiting the debtor from filing another bankruptcy petition for a period of 180 days after the date of entry of the order of dismissal.
4. If the case is dismissed, that the Court order the debtor to pay any quarterly fees due to the United States Trustee forthwith and enter a judgment in favor of the United States Trustee for any unpaid quarterly fees.
5. In the alternative, that the Court set dates certain for the debtor to file a disclosure statement and plan, to obtain court approval of the adequacy of information in the disclosure statement, and to obtain court confirmation of a plan of reorganization ("dates certain") and that this court order that the debtor remain in full and timely compliance with the United States Trustee requirements.
6. If the court sets date(s) certain and/or orders that the debtor remain in full and timely compliance with the United States Trustee requirements, that the court further order that if the debtor fails to comply with any date set or to remain in full and timely compliance, that this case may be converted or dismissed without further hearing, upon application of the United States Trustee to the court, served upon debtor and debtor's counsel.
7. That the court order such other and further relief as may be appropriate in the circumstances.

Date: January 12, 2010

PETER C. ANDERSON
UNITED STATES TRUSTEE



Russell Clementson
Attorney for United States Trustee

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DECLARATION OF BANKRUPTCY ANALYST

I, Sam Lor, am employed as a bankruptcy analyst in the Office of the United States Trustee for the Central District of California with the responsibility of monitoring the administration of chapter 11 cases.

1. I have reviewed the files of the Office of the United States Trustee in connection with this bankruptcy case. I have personal knowledge of the facts set forth herein and if called as a witness could and would competently testify thereto.

2. The debtor is a small business debtor as that term is defined in 11 U.S.C. § 101(51)(D).
 To date, no disclosure statement and plan of reorganization has been filed or submitted by the debtor.
 The debtor has failed to schedule a hearing for approval of the disclosure statement or plan.
 A hearing to consider the adequacy of information in the debtor's disclosure statement is set for:
 The disclosure statement was approved by the court by an order entered on:

3. The Debtor has failed to comply with the requirements of the United States Trustee Chapter 11 Notices and Guides, Bankruptcy Code and/or Local Bankruptcy Rules by failing to provide documents, financial reports or attend required meetings as follows:

- Schedules of Assets and Liabilities.
- Statement of Financial Affairs.
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- Credit Counseling Certificate and copy of any debt repayment plan.
- List of the twenty (20) largest unsecured creditors.
- Notice of Setting/Increasing Insider Compensation.
- Appear at the Initial Debtor Interview.
- Appear at the duly noticed §341(a) examination.
- Real Property Questionnaire(s).
- Sufficient evidence of closing of all pre-petition bank accounts including: (1) closing bank statements; and (2) a declaration, sworn under penalty of perjury, disclosing all pre-petition bank accounts, including the name and address of the bank, the account number, the date the account was closed and the amount in the account at time of closing. Paragraph 3 below.
- Sufficient evidence of the opening and maintenance of three debtor-in-possession bank accounts (general, payroll and tax)² including: (1) a voided original "debtor-in-possession" check for each account and; (2) a copy of the signature card for each account. Paragraph 3 below
- Resubmit evidence of current insurance coverage for the 2005 Mercedes Benz CL 600 and the 2005 Ford Focus that includes: (1) the declaration page for each policy; and (2) a declaration, sworn under penalty of perjury, stating that the debtor has all applicable customary insurance required to operate. The previous policy expired on 12/17/09.
- Proof of required certificates and/or applicable licenses.
- A list of insiders as defined at 11 U.S.C. § 101(31).
- Most recently prepared audited and/or unaudited financial statements issued prior to filing.

² Unless Debtor has requested in writing that the United States Trustee waive one or more of the required accounts and the United States Trustee has granted the request in writing.

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- A physical inventory as of the date of filing of the petition.
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4. Additional facts in support of the motion include:

Debtor has submitted inadequate Monthly Operating Reports to the U.S. Trustee for the partial month of October 2009 (Oct.15 to Oct 31) and for the month November 2009. Debtor filed one incomplete and unacceptable report for October and November 2009. Debtor's report does not provide an adequate accounting of cash receipts and disbursements for each property for the period. The report contains only two pages (pages 1 and 2) of the required 16 page report. A true and correct copy of Debtor's Oct/Nov 2009 Monthly Operating Report is attached as Exhibit "1". Debtor's Schedules I and J reflect cash receipts of over \$58,000 per month and disbursements of over \$69,000 for the same period. But Debtor's report does not reflect that amount of receipts or disbursements. True and correct copies of Debtor's Schedules I and J are attached as Exhibits "2" and "3", respectively.

On or about 11/18/09, I, Sam Lor, personally called the Debtor's attorney to request that Debtor redo the reports. To date, Debtor has not submitted any further reports.

Finally, Debtor has not filed a motion for the use of cash collateral. Debtor's reports does not indicate that debtor has segregate its cash funds. A true and correct copy of the Bankruptcy Court Docket dated 01/08/10 is attached as Exhibit "4".

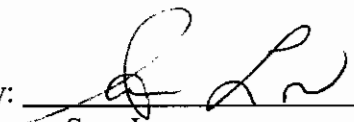
5. Attached to the concurrently filed declaration of bankruptcy analyst, are true and correct copies of the following documents in support of the above allegations:

- Exhibit "1" - A true and correct copy of Debtor Oct/Nov 2009 Monthly Operating Report.
- Exhibit "2" - A true and correct copy of Debtor's Schedule I - Current Income of Individual Debtor.
- Exhibit "3" - A true and correct copy of Debtor's Schedule J - Current Expenditures of Individual Debtor .
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I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the following date at Los Angeles, California.

Date: January 12, 2010

By: 

Sam Lor
Bankruptcy Analyst

Exhibit "1"

Exhibit "1"

UNITED STATES DEPARTMENT OF JUSTICE
OFFICE OF THE UNITED STATES TRUSTEE
CENTRAL DISTRICT OF CALIFORNIA

In Re: ANITA A. KAYE
Debtor(s).

CHAPTER 11 (BUSINESS)
Case Number: 0938287 (CCA)
Operating Report Number:
For the Month Ending: Nov 2009

I. CASH RECEIPTS AND DISBURSEMENTS
A. (GENERAL ACCOUNT*)

1. TOTAL RECEIPTS PER ALL PRIOR GENERAL ACCOUNT REPORTS _____

2. LESS: TOTAL DISBURSEMENTS PER ALL PRIOR GENERAL ACCOUNT REPORTS _____

3. BEGINNING BALANCE: 0.00

4. RECEIPTS DURING CURRENT PERIOD:

Accounts Receivable - Post-filing _____
Accounts Receivable - Pre-filing _____
General Sales _____
Other (Specify) _____
**Other (Specify) _____

TOTAL RECEIPTS THIS PERIOD: 0.00

5. BALANCE: 0.00

6. LESS: TOTAL DISBURSEMENTS DURING CURRENT PERIOD

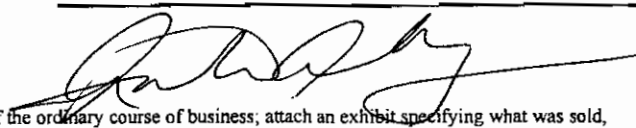
Transfers to Other DIP Accounts (from page 2) 0.00
Disbursements (from page 2) 0.00

TOTAL DISBURSEMENTS THIS PERIOD:*** 0.00

7. ENDING BALANCE: 0.00

8. General Account Number(s): 2604892220

Depository Name & Location: ANITA A. KAYE
450 N. CANON DR BH CA 90210



* All receipts must be deposited into the general account.
** Include receipts from the sale of any real or personal property out of the ordinary course of business; attach an exhibit specifying what was sold, to whom, terms, and date of Court Order or Report of Sale.
***This amount should be the same as the total from page 2.

Exhibit "2"

Exhibit "2"

In re Aniko Kaye

Case No. 2:09-bk-38287-BR

Debtor(s)

(If known)

SCHEDULE I - CURRENT INCOME OF INDIVIDUAL DEBTOR(S)

The column labeled "Spouse" must be completed in all cases filed by joint debtors and by every married debtor, whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed. Do not state the name of any minor child. The average monthly income calculated on this form may differ from the current monthly income calculated on Form 22A, 22B, or 22C.

Debtor's Marital Status: <i>Single</i>	DEPENDENTS OF DEBTOR AND SPOUSE	
	RELATIONSHIP(S):	AGE(S):
EMPLOYMENT:	DEBTOR	SPOUSE
Occupation		
Name of Employer		
How Long Employed		
Address of Employer		
INCOME: (Estimate of average or projected monthly income at time case filed)	DEBTOR	SPOUSE
1. Monthly gross wages, salary, and commissions (Prorate if not paid monthly)	\$ 0.00	\$ 0.00
2. Estimate monthly overtime	\$ 0.00	\$ 0.00
3. SUBTOTAL	\$ 0.00	\$ 0.00
4. LESS PAYROLL DEDUCTIONS		
a. Payroll taxes and social security	\$ 0.00	\$ 0.00
b. Insurance	\$ 0.00	\$ 0.00
c. Union dues	\$ 0.00	\$ 0.00
d. Other (Specify):	\$ 0.00	\$ 0.00
5. SUBTOTAL OF PAYROLL DEDUCTIONS	\$ 0.00	\$ 0.00
6. TOTAL NET MONTHLY TAKE HOME PAY	\$ 0.00	\$ 0.00
7. Regular income from operation of business or profession or farm (attach detailed statement)	\$ 16,880.00	\$ 0.00
8. Income from real property	\$ 41,640.00	\$ 0.00
9. Interest and dividends	\$ 0.00	\$ 0.00
10. Alimony, maintenance or support payments payable to the debtor for the debtor's use or that of dependents listed above.	\$ 0.00	\$ 0.00
11. Social security or government assistance (Specify):	\$ 0.00	\$ 0.00
12. Pension or retirement income	\$ 0.00	\$ 0.00
13. Other monthly income (Specify):	\$ 0.00	\$ 0.00
14. SUBTOTAL OF LINES 7 THROUGH 13	\$ 58,520.00	\$ 0.00
15. AVERAGE MONTHLY INCOME (Add amounts shown on lines 6 and 14)	\$ 58,520.00	\$ 0.00
16. COMBINED AVERAGE MONTHLY INCOME: (Combine column totals from line 15; if there is only one debtor repeat total reported on line 15)	\$ 58,520.00	\$ 0.00
(Report also on Summary of Schedules end, if applicable, on Statistical Summary of Certain Liabilities and Related Data)		
17. Describe any increase or decrease in income reasonably anticipated to occur within the year following the filing of this document:		

Aniko Kaye,

Debtor

Case No. 2:09-bk-38287-BR

Schedule I — Current Income of Individual Debtor (continuation sheet)

Items 7 & 8 — Regular income from business and from real property

Source of Income	Nature	Monthly Income
Salon 90210	Business	\$16,880
4207 Benedict Canyon, Sherman Oaks, CA 91423	Rental property	4,800
4219 Benedict Canyon, Sherman Oaks, CA 91423	Rental property	4,800
350 S. McCarty Dr., Beverly Hills, CA 90212	Rental property	8,765
484 S. Roxbury Dr., Beverly Hills, CA 90212	Rental property	17,375
749 S. Ogden Dr., Los Angeles CA 90036	Rental property	5,900
	Total income	\$58,520

Exhibit "3"

Exhibit "3"

In re Aniko Kaya

Debtor(s)

Case No. 2:09-bk-38287-BR

(If known)

SCHEDULE J-CURRENT EXPENDITURES OF INDIVIDUAL DEBTOR

Complete this schedule by estimating the average or projected monthly expenses of the debtor and the debtor's family. Prorate any payments made bi-weekly, quarterly, semi-annually, or annually to show monthly rate. The average monthly expenses calculated on this form may differ from the deductions from income allowed on Form 22 A or 22C.

Check this box if a joint petition is filed and debtor's spouse maintains a separate household. Complete a separate schedule of expenditures labeled "Spouse."

1. Rent or home mortgage payment (include lot rented for mobile home)	\$	1,800.00
a. Are real estate taxes included? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
b. Is property insurance included? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
2. Utilities: a. Electricity and heating fuel	\$	0.00
b. Water and sewer	\$	30.00
c. Telephone	\$	100.00
d. Other	\$	40.00
Other	\$	0.00
3. Home maintenance (repairs and upkeep)	\$	0.00
4. Food	\$	200.00
5. Clothing	\$	50.00
6. Laundry and dry cleaning	\$	10.00
7. Medical and dental expenses	\$	150.00
8. Transportation (not including car payments)	\$	0.00
9. Recreation, clubs and entertainment, newspapers, magazines, etc.	\$	0.00
10. Charitable contributions	\$	0.00
11. Insurance (not deducted from wages or included in home mortgage payments)		
a. Homeowner's or renter's	\$	0.00
b. Life	\$	0.00
c. Health	\$	0.00
d. Auto	\$	300.00
e. Other	\$	0.00
Other	\$	0.00
12. Taxes (not deducted from wages or included in home mortgage) (Specify) Income Taxes	\$	1,000.00
13. Installment payments: (In chapter 11, 12, and 13 cases, do not list payments to be included in the plan)		
a. Auto	\$	0.00
b. Other:	\$	0.00
c. Other:	\$	0.00
14. Alimony, maintenance, and support paid to others	\$	0.00
15. Payments for support of additional dependents not living at your home	\$	0.00
16. Regular expenses from operation of business, profession, or farm (attach detailed statement)	\$	66,025.00
17. Other:	\$	0.00
Other:	\$	0.00
		0.00
18. AVERAGE MONTHLY EXPENSES Total lines 1-17. Report also on Summary of Schedules and, if applicable, on the Statistical Summary of Certain Liabilities and Related Data.)	\$	69,705.00
19. Describe any increase or decrease in expenditures reasonably anticipated to occur within the year following the filing of this document:		
20. STATEMENT OF MONTHLY NET INCOME		
a. Average monthly income from Line 16 of Schedule I	\$	58,520.00
b. Average monthly expenses from Line 18 above	\$	69,705.00
c. Monthly net income (a. minus b.)	\$	(11,185.00)

In re	Main Document	Page 2 of 2	Desc
Aniko Kaye,	Debtor		Case No. 2:09-bk-38287-BR

Schedule I — Current Income of Individual Debtor (continuation sheet)

Items 7 & 8 — Regular expenses of business and from real property

Source of Expense	Nature	Monthly Expense
Salon 90210	Rent	\$7,672
	Cleaning, signage, furniture	3,500
	Phone and utilities	900
	Supplies	125
4207 Benedict Canyon, Sherman Oaks, CA 91423	Mortgage	3,816
	Property taxes	783
	Other	100
4219 Benedict Canyon, Sherman Oaks, CA 91423	Mortgage	6,264
	Property taxes	953
	Other	100
350 S. McCarty Dr., Beverly Hills, CA 90212	Mortgage	4,411
	Property taxes	2,430
	Other	1,284
484 S. Roxbury Dr., Beverly Hills, CA 90212	Mortgage	15,000
	Property taxes	3,436
	Utilities	2,400
	Insurance	1,000
	Other	1,979
749 S. Ogden Dr., Los Angeles CA 90036	Mortgage	8,360
	Property taxes	862
	Insurance	250
	Utilities	300
	Other	100
	Total expense	\$66,025

Exhibit "4"

Exhibit "4"

Incomplete

**U.S. Bankruptcy Court
Central District Of California (Los Angeles)
Bankruptcy Petition #: 2:09-bk-38287-BR**

Date filed: 10/15/2009

Assigned to: Barry Russell
Chapter 11
Voluntary
Asset

Debtor

Aniko Kaye
350 S. McCarty Drive
Unit 1
Beverly Hills, CA 90212
SSN / ITIN: xxx-xx-2022

aka

A.A. Kaye

aka

Aniko Kaye-Gadial

aka

Aniko Devenyi

aka

Aniko Gadial

represented by **James A Dumas, Jr**

3435 Wilshire Blvd Ste 1045
Los Angeles, CA 90010
213-368-5000
Fax : 213-368-5009
Email: jamedumas@aol.com

U.S. Trustee

United States Trustee (LA)
725 S Figueroa St., 26th Floor
Los Angeles, CA 90017

represented by **Russell Clementson**

725 S Figueroa Ste 2600
Los Angeles, CA 90017
213-894-4505
Fax : 213-894-2603
Email:
russell.clementson@usdoj.gov

Filing Date	#	Docket Text
		Chapter 11 Voluntary Petition. Fee Amount \$1039 Filed by Aniko Kaye (Dumas, James)CORRECTION: Deficient for Statement of Related Cases 10/30/2009. Statement (22B) due 10/30/2009. Statement of Financial Affairs due 10/29/2009. Debtor's Certification of Employment Income due 10/30/2009. Summary of Schedules due 10/30/2009. Statistical Summary due 10/30/2009. Schedule A due 10/30/2009. Schedule B due 10/30/2009. Schedule C due 10/30/2009. Schedule D due 10/30/2009. Schedule E due 10/30/2009. Schedule F due

10/15/2009	<u>1</u>	10/30/2009. Schedule G due 10/30/2009. Schedule H due 10/30/2009. Schedule I due 10/30/2009. Schedule I due 10/30/2009. Schedule J due 10/30/2009. Declaration Re: Schedules due 10/30/2009. Incomplete Filing due 10/30/2009. Section 316 Incomplete Filing due 11/30/2009. Electronic Filing Declaration due 10/30/2009. Certificate of Credit Counseling due 10/30/2009. Exhibit D due 10/30/2009. Modified on 10/19/2009 (Goins, Terry). (Entered: 10/15/2009)
10/15/2009		Receipt of Voluntary Petition (Chapter 11)(2:09-bk-38287) [misc,volp11] (1039.00) Filing Fee. Receipt number 11168893. Fee amount 1039.00. (U.S. Treasury) (Entered: 10/15/2009)
10/15/2009	<u>2</u>	Statement of Social Security Number(s) Form B21 Filed by Debtor Aniko Kaye. (Dumas, James) (Entered: 10/15/2009)
10/19/2009	<u>3</u>	Case Commencement Deficiency Notice to include Statement of Related Cases, Exhibit D, Certificate of Credit Counseling, Debtor's Certification of Employment Income, Summary of Schedules, Statistical Summary, Declaration Re: Schedules, Electronic Filing Declaration(BNC) (RE: related document(s) <u>1</u> Voluntary Petition (Chapter 11) filed by Debtor Aniko Kaye) (Goins, Terry) (Entered: 10/19/2009)
10/19/2009	<u>4</u>	Notice of Case Deficiency Under 11 U.S.C. Sec. 521(a)(1) and Bankruptcy Rule 1007 to include Statement of Financial Affairs, Schedule A, Schedule B, Schedule C, Schedule D, Schedule E, Schedule F, Schedule G, Schedule H, Schedule I, Schedule J, Statement (22B) (BNC) (RE: related document(s) <u>1</u> Voluntary Petition (Chapter 11) filed by Debtor Aniko Kaye) (Goins, Terry) (Entered: 10/19/2009)
10/21/2009	<u>5</u>	Meeting of Creditors 341(a) meeting to be held on 11/24/2009 at 11:00 AM at RM 2610, 725 S Figueroa St., Los Angeles, CA 90017. Last day to oppose discharge or dischargeability is 1/25/2010. (Ly, Lynn) (Entered: 10/21/2009)
10/21/2009	<u>6</u>	BNC Certificate of Service (RE: related document(s) <u>3</u> Case Commencement Deficiency Notice (BNC)) No. of Notices: 2. Service Date 10/21/2009. (Admin.) (Entered: 10/21/2009)
10/21/2009	<u>7</u>	BNC Certificate of Service (RE: related document(s) <u>4</u> Notice of Case Deficiency (11 U.S.C. Sec. 521 & Rule 1007) (Ch 11/12) (BNC)) No. of Notices: 2. Service Date 10/21/2009. (Admin.) (Entered: 10/21/2009)
		Order for filing chapter 11 plan of reorganization and disclosure statement and order setting hearing for approval of disclosure

10/22/2009	<u>8</u>	statement; hearing date set for 1/13/2010 at 10:00 a.m.Re: Signed on 10/22/2009. (Fortier, Stacey) (Entered: 10/22/2009)
10/22/2009	<u>9</u>	Notice to creditors (BNC-PDF) (Fortier, Stacey) (Entered: 10/22/2009)
10/22/2009		Hearing Set (RE: related document(s) <u>1</u> Voluntary Petition (Chapter 11) filed by Debtor Aniko Kaye) Status hearing to be held on 1/13/2010 at 10:00 AM at Crtrm 1668, 255 E Temple St., Los Angeles, CA 90012. (Fortier, Stacey) (Entered: 10/22/2009)
10/23/2009	<u>10</u>	BNC Certificate of Service (RE: related document(s) <u>5</u> Meeting of Creditors Chapter 11 & 12) No. of Notices: 22. Service Date 10/23/2009. (Admin.) (Entered: 10/23/2009)
10/24/2009	<u>11</u>	BNC Certificate of Service - PDF Document. (RE: related document(s) <u>9</u> Notice to creditors (BNC-PDF)) No. of Notices: 25. Service Date 10/24/2009. (Admin.) (Entered: 10/24/2009)
10/28/2009	<u>12</u>	Certificate of Credit Counseling of <i>Debtor Education</i> Filed by Debtor Aniko Kaye (RE: related document(s) <u>1</u> Voluntary Petition (Chapter 11)). (Dumas, James) (Entered: 10/28/2009)
10/29/2009	<u>13</u>	Motion to Extend Deadline to File Schedules or Provide Required Information Filed by Debtor Aniko Kaye (Dumas, James) (Entered: 10/29/2009)
10/29/2009	<u>14</u>	<i>Application of Debtor in Possession For Order Authorizing Employment of the Law Offices of Dumas & Associates as General Bankruptcy Counsel; Declarations of James A. Dumas and Aniko Kaye in Support Thereof</i> Filed by Debtor Aniko Kaye (Attachments: # <u>1</u> Part 2) (Dumas, James) (Entered: 10/29/2009)
10/29/2009	<u>15</u>	Notice of motion/application Filed by Debtor Aniko Kaye (RE: related document(s) <u>14</u> <i>Application of Debtor in Possession For Order Authorizing Employment of the Law Offices of Dumas & Associates as General Bankruptcy Counsel; Declarations of James A. Dumas and Aniko Kaye in Support Thereof</i> Filed by Debtor Aniko Kaye). (Dumas, James) (Entered: 10/29/2009)
11/04/2009	<u>16</u>	Order Granting Motion To Extend Deadline to File Schedules or Provide Required Information - - extended to 11/13/09(Related Doc # <u>13</u>) Signed on 11/4/2009. (Fortier, Stacey) (Entered: 11/04/2009)
11/06/2009	<u>17</u>	Declaration Re: Electronic Filing (<i>Individual</i>) Filed by Debtor Aniko Kaye. (Dumas, James) (Entered: 11/06/2009)

11/06/2009	<u>18</u>	Statement of related cases Filed by Debtor Aniko Kaye (RE: related document(s) <u>1</u> Voluntary Petition (Chapter 11)). (Dumas, James) (Entered: 11/06/2009)
11/06/2009	<u>19</u>	Debtor's Certification of Employment Income Filed by Debtor Aniko Kaye (RE: related document(s) <u>1</u> Voluntary Petition (Chapter 11)). (Dumas, James) (Entered: 11/06/2009)
11/06/2009	<u>20</u>	Exhibit D - <i>Individual Debtor's Statement of Compliance with Credit Counseling Requirement</i> Filed by Debtor Aniko Kaye (RE: related document(s) <u>1</u> Voluntary Petition (Chapter 11)). (Dumas, James) (Entered: 11/06/2009)
11/09/2009	<u>21</u>	U.S. Trustee Motion to dismiss or convert Filed by U.S. Trustee United States Trustee (LA). (Clementson, Russell) (Entered: 11/09/2009)
11/11/2009	<u>22</u>	Notice of UST's motion to dismiss or convert case - chapter 11 to 7 (BNC) (Fortier, Stacey) (Entered: 11/11/2009)
11/11/2009		Hearing Set (RE: related document(s) <u>21</u> U.S. Trustee Motion to dismiss or convert filed by U.S. Trustee United States Trustee (LA)) The Hearing date is set for 12/16/2009 at 02:00 PM at Crtrm 1668, 255 E Temple St., Los Angeles, CA 90012. The case judge is Barry Russell (Fortier, Stacey) (Entered: 11/11/2009)
11/14/2009	<u>23</u>	Statement of Financial Affairs Filed by Debtor Aniko Kaye (RE: related document(s) <u>1</u> Voluntary Petition (Chapter 11)). (Dumas, James) (Entered: 11/14/2009)
11/14/2009	<u>24</u>	Chapter 11 Statement of Current Monthly Income (Form 22B) Filed by Debtor Aniko Kaye (RE: related document(s) <u>1</u> Voluntary Petition (Chapter 11)). (Dumas, James) (Entered: 11/14/2009)
11/14/2009	<u>25</u>	BNC Certificate of Service (RE: related document(s) <u>22</u> Notice of UST's motion to dismiss or convert case - Ch 11 to 7 (BNC)) No. of Notices: 26. Service Date 11/14/2009. (Admin.) (Entered: 11/14/2009)
11/14/2009	<u>26</u>	Schedule A Filed by Debtor Aniko Kaye (RE: related document (s) <u>1</u> Voluntary Petition (Chapter 11)). (Dumas, James) (Entered: 11/14/2009)
11/14/2009	<u>27</u>	Schedule B Filed by Debtor Aniko Kaye (RE: related document (s) <u>1</u> Voluntary Petition (Chapter 11)). (Dumas, James) (Entered: 11/14/2009)

11/14/2009	<u>28</u>	Schedule C Filed by Debtor Aniko Kaye. (Dumas, James) (Entered: 11/14/2009)
11/14/2009	<u>29</u>	Schedule D Filed by Debtor Aniko Kaye (RE: related document (s) <u>1</u> Voluntary Petition (Chapter 11)). (Dumas, James) (Entered: 11/14/2009)
11/14/2009	<u>30</u>	Schedule E Filed by Debtor Aniko Kaye (RE: related document (s) <u>1</u> Voluntary Petition (Chapter 11)). (Dumas, James) (Entered: 11/14/2009)
11/14/2009	<u>31</u>	Schedule F Filed by Debtor Aniko Kaye (RE: related document (s) <u>1</u> Voluntary Petition (Chapter 11)). (Dumas, James) (Entered: 11/14/2009)
11/14/2009	<u>32</u>	Schedule G Filed by Debtor Aniko Kaye (RE: related document (s) <u>1</u> Voluntary Petition (Chapter 11)). (Dumas, James) (Entered: 11/14/2009)
11/14/2009	<u>33</u>	Schedule H Filed by Debtor Aniko Kaye (RE: related document (s) <u>1</u> Voluntary Petition (Chapter 11)). (Dumas, James) (Entered: 11/14/2009)
11/14/2009	<u>34</u>	Schedule I Filed by Debtor Aniko Kaye (RE: related document(s) <u>1</u> Voluntary Petition (Chapter 11)). (Dumas, James) (Entered: 11/14/2009)
11/14/2009	<u>35</u>	Schedule J Filed by Debtor Aniko Kaye (RE: related document(s) <u>1</u> Voluntary Petition (Chapter 11)). (Dumas, James) (Entered: 11/14/2009)
11/14/2009	<u>36</u>	Summary of Schedules <i>Declaration Concerning Debtor's Schedules & Proof of Service of Document Described as Summary of Schedules, Schedules, A, B, C, D, E, F, G, H, I, and J</i> Filed by Debtor Aniko Kaye (RE: related document(s) <u>1</u> Voluntary Petition (Chapter 11)). (Dumas, James) (Entered: 11/14/2009)
11/18/2009	<u>37</u>	Declaration re: non opposition Filed by Debtor Aniko Kaye (RE: related document(s) <u>14</u> <i>Application of Debtor in Possession For Order Authorizing Employment of the Law Offices of Dumas & Associates as General Bankruptcy Counsel; Declarations of James A. Dumas and Aniko Kaye in Support Thereof.</i> (Attachments: # <u>1</u> Part 2) (Dumas, James) (Entered: 11/18/2009)
11/24/2009	<u>38</u>	Amended Schedule B Filed by Debtor Aniko Kaye. (Dumas, James) (Entered: 11/24/2009)

12/07/2009	<u>39</u>	Proof of service <i>re Order for filing Chapter 11 Plan of reorganization & Disclosure Statement & Order Setting Hearing for Approval of Disclosure Statement</i> Filed by Debtor Aniko Kaye (RE: related document(s) <u>8</u> Order (Generic)). (Dumas, James) (Entered: 12/07/2009)
12/07/2009	<u>40</u>	Order Granting Application (Related Doc # <u>14</u>) Signed on 12/7/2009 (Fortier, Stacey) (Entered: 12/07/2009)
12/09/2009	<u>41</u>	BNC Certificate of Notice - PDF Document. (RE: related document(s) <u>40</u> Order on Generic Application) No. of Notices: 4. Service Date 12/09/2009. (Admin.) (Entered: 12/09/2009)
12/10/2009	<u>42</u>	Request for courtesy Notice of Electronic Filing (NEF) Filed by Brian A Paino on behalf of Courtsey NEF. (Paino, Brian) (Entered: 12/10/2009)
12/10/2009	<u>43</u>	Statement <i>re: Professional Fee</i> Filed by Debtor Aniko Kaye. (Dumas, James) (Entered: 12/10/2009)
12/11/2009	<u>44</u>	Voluntary Dismissal of Motion Filed by U.S. Trustee United States Trustee (LA) (RE: related document(s) <u>21</u> U.S. Trustee Motion to dismiss or convert). (Clementson, Russell) (Entered: 12/11/2009)
12/14/2009	<u>45</u>	Chapter 11 Plan of Reorganization <i>Proposed</i> Filed by Debtor Aniko Kaye. (Attachments: # <u>1</u> Part 2)(Dumas, James) (Entered: 12/14/2009)
12/14/2009	<u>46</u>	Disclosure Statement <i>Regarding Proposed Plan</i> Filed by Debtor Aniko Kaye. (Attachments: # <u>1</u> Part 2)(Dumas, James) (Entered: 12/14/2009)
12/18/2009	<u>47</u>	Motion of Debtor For Entry of an Order Establishing Bar Date Filed by Debtor Aniko Kaye (Dumas, James) (Entered: 12/18/2009)
12/18/2009	<u>48</u>	Notice of motion/application Filed by Debtor Aniko Kaye (RE: related document(s) <u>47</u> Motion of Debtor For Entry of an Order Establishing Bar Date Filed by Debtor Aniko Kaye). (Dumas, James) (Entered: 12/18/2009)
01/04/2010	<u>49</u>	Request for courtesy Notice of Electronic Filing (NEF) Filed by Gabriel A Espinoza on behalf of Courtsey NEF. (Espinoza, Gabriel) (Entered: 01/04/2010)

PACER Service Center			
Transaction Receipt			
01/11/2010 09:12:04			
PACER Login:	us7745	Client Code:	
Description:	Docket Report	Search Criteria:	2:09-bk-38287-BR Fil or Ent: filed To: 1/11/2010 Doc From: 0 Doc To: 99999999 Term: included Format: html
Billable Pages:	3	Cost:	0.24

In re: Aniko Kaye	CHAPTER 11
Debtor(s).	CASE NUMBER 2:09-bk-38287 BR

NOTE: When using this form to indicate service of a proposed order, **DO NOT** list any person or entity in Category I. Proposed orders do not generate an NEF because only orders that have been entered are placed on the CM/ECF docket.

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:
725 South Figueroa Street, Suite 2600
Los Angeles, California 90017

A true and correct copy of the foregoing document described NOTICE OF MOTION AND MOTION TO CONVERT OR DISMISS CASE WITH AN ORDER DIRECTING PAYMENT OF QUARTERLY FEES AND JUDGMENT THEREON 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 indicated below:

I. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF") – Pursuant to controlling General Order(s) and Local Bankruptcy Rule(s) ("LBR"), the foregoing document will be served by the court via NEF and hyperlink to the document. On January 12, 2010, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following person(s) are on the Electronic Mail Notice List to receive NEF transmission at the email address(es) indicated below:

Service information continued on attached page

II. SERVED BY U.S. MAIL OR OVERNIGHT MAIL(indicate method for each person or entity served):

On January 12, 2010 I served the following person(s) and/or entity(ies) at the last known address(es) 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/or with an overnight mail service 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

III. SERVED BY PERSONAL DELIVERY, FACSIMILE TRANSMISSION OR EMAIL (indicate method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on January 12, 2010 I served the following person(s) and/or entity(ies) by personal delivery, 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 the judge will be completed no later than 24 hours after the document is filed. **Upon filing I will be giving a filed document to a Court delivery service consistent with our normal business practice, with instruction to deliver the copy to the chamber bin outside Suite 1660 for the Honorable Barry Russell.**

Service information continued on attached page

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

<u>January 12, 2010</u>	<u>Stephanie Hill</u>	<u><i>Stephanie Hill</i></u>
Date	Type Name	Signature

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

In re: Aniko Kaye	CHAPTER 11
Debtor(s).	CASE NUMBER 2:09-bk-38287 BR

ADDITIONAL SERVICE INFORMATION

TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF")

James A Dumas, Jr - jamedumas@aol.com

United States Trustee (LA) - ustpregion16.la.ecf@usdoj.gov

Russell Clementson - russell.clementson@usdoj.gov

Gabriel A Espinoza - gaespinosa@aol.com

Brian A Paino - ecfcacb@piteduncan.com

SERVED BY U.S. MAIL OR OVERNIGHT MAIL

DEBTOR

Aniko Kaye

350 S. McCarty Drive

Unit 1

Beverly Hills, CA 90212

DEBTOR'S COUNSEL

James A Dumas, Jr

3435 Wilshire Blvd Ste 1045

Los Angeles, CA 90010

FROM: OFFICE OF THE UNITED STATES TRUSTEE
DATE: January 12, 2010
TO: BANKRUPTCY NOTICING CENTER
SUBJECT: UNITED STATES TRUSTEE'S MOTION TO DISMISS OR CONVERT CASE

PART I

Please notice the subject motion for the following Chapter 11 case:

CASE NUMBER: 2:09-bk-38287 BR

CASE NAME: ANIKO KAYE

DATE PETITION FILED: OCTOBER 15, 2009

HEARING DATE: FEBRUARY 23, 2010 TIME: 2:00 PM

COURTROOM: 1668

CONTACT AT U.S. TRUSTEE'S OFFICE: RUSSELL CLEMENTSON
Trial Attorney

For Conversion or Dismissal Only

Does the conversion or dismissal involve a joint petition wherein
one party (husband or wife) has been converted or dismissed?

{ } Yes { } No

If yes, explain:

PREPARED BY: STEPHANIE HILL

PART II (To be completed by BANS)

Data Entry Operator _____ Date Entered _____

Comments: _____

