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Electronically Filed August 29, 2012

BRETT A. AXELROD, ESQ.  
Nevada Bar No. 5859  
MICAELA RUSTIA MOORE, ESQ.  
Nevada Bar No. 9676  
**FOX ROTHSCHILD LLP**  
3800 Howard Hughes Parkway, Suite 500  
Las Vegas, Nevada 89169  
Telephone: (702) 262-6899  
Facsimile: (702) 597-5503  
Email: baxelrod@foxrothschild.com  
mmoore@foxrothschild.com

*Counsel for American West Development, Inc.*

**UNITED STATES BANKRUPTCY COURT**

**DISTRICT OF NEVADA**

In re

AMERICAN WEST DEVELOPMENT, INC.,  
a Nevada corporation,

- fdba Castlebay 1, Inc.
- fdba Development Management, Inc.
- fdba Fairmont 1, Inc.
- fdba Glen Eagles 3, Inc.
- fdba Heritage 1, Inc.
- fdba Inverness 5, Inc.
- fdba Kensington 1, Inc.
- fdba Kingsbridge 1, Inc.
- fdba Promontory Estates, LLC
- fdba Promontory Point 4, Inc.
- fdba Silverado Springs 1, Inc.
- fdba Silverado Springs 2, Inc.
- fdba Tradition, Inc.
- fdba Windsor 1, Inc.,

Debtor.

Case No. BK-S-12-12349-MKN

Chapter 11

**NOTICE OF ENTRY OF ORDER  
SUSTAINING DEBTOR'S OBJECTION  
TO PROOF OF CLAIM NO. 19 FILED  
BY NANETTE ONTIMARE AND  
JOSELITO ONTIMARE**

Hearing Date: August 23, 2012

Hearing Time: 10:00 a.m.

**PLEASE TAKE NOTICE** that on the 29th day of August 2012, the Court entered an Order

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///

FOX ROTHSCHILD LLP  
3800 Howard Hughes Parkway, Suite 500  
Las Vegas, Nevada 89169  
(702) 262-6899  
(702) 597-5503 (fax)

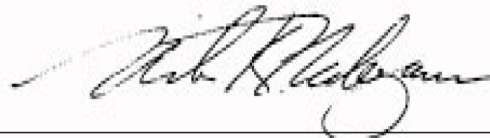
1 Sustaining Debtor's Objection to Proof of Claim No. 19 Filed by Nanette Ontimare and Joselito  
2 Ontimare [Docket No. 607], a copy of which is attached hereto.

3 Dated this 29th day of August, 2012.

4 **FOX ROTHSCHILD LLP**

5 By /s/ Brett A. Axelrod  
6 BRETT A. AXELROD, ESQ.  
7 Nevada Bar No. 5859  
8 3800 Howard Hughes Parkway, Suite 500  
9 Las Vegas, Nevada 89169  
10 *Counsel for American West Development, Inc.*

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FOX ROTHSCHILD LLP  
3800 Howard Hughes Parkway, Suite 500  
Las Vegas, Nevada 89169  
(702) 262-6899  
(702) 597-5503 (fax)



Honorable Mike K. Nakagawa  
United States Bankruptcy Judge



Entered on Docket  
August 29, 2012

BRETT A. AXELROD, ESQ.  
Nevada Bar No. 5859  
MICAELA RUSTIA MOORE, ESQ.  
Nevada Bar No. 9676  
**FOX ROTHSCHILD LLP**  
3800 Howard Hughes Parkway, Suite 500  
Las Vegas, Nevada 89169  
Telephone: (702) 262-6899  
Facsimile: (702) 597-5503  
Email: baxelrod@foxrothschild.com  
mmoore@foxrothschild.com  
*Counsel for American West Development, Inc.*

**UNITED STATES BANKRUPTCY COURT**  
**DISTRICT OF NEVADA**

In re

AMERICAN WEST  
DEVELOPMENT, INC., a Nevada  
corporation,

fdba Castlebay 1, Inc.  
fdba Development Management, Inc.  
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fdba Silverado Springs 2, Inc.  
fdba Tradition, Inc.  
fdba Windsor 1, Inc.

Debtor.

Case No. BK-S-12-12349-MKN

Chapter 11

**ORDER SUSTAINING DEBTOR'S  
OBJECTION TO PROOF OF CLAIM  
NO. 19 FILED BY NANETTE ONTIMARE  
AND JOSELITO ONTIMARE**

Hearing Date: August 23, 2012

Hearing Time: 10:00 a.m.

FOX ROTHSCHILD LLP  
3800 Howard Hughes Parkway, Suite 500  
Las Vegas, Nevada 89169  
(702) 262-6899  
(702) 597-5503 (fax)

1 This Court, having reviewed and considered Debtor’s<sup>1</sup> Objection [Docket No. 466] (the  
2 “Objection”) to Proof of Claim No. 19 filed by Nanette Ontimare and Joselito Ontimare (the “Ontimare  
3 Claim”) for an order pursuant to section 502(b) of the Bankruptcy Code and Bankruptcy Rules 3003  
4 and 3007, disallowing the Ontimare Claim in its entirety; and upon consideration of the Second  
5 Omnibus Declaration of Robert M. Evans in Support of Debtor’s Objection to Certain Proofs of Claims;  
6 and no oppositions having been filed to the Objection; and Debtor having appeared by and through its  
7 counsel, Fox Rothschild LLP; and the Court having stated its findings of fact and conclusions of law on  
8 the record at the hearing on the Objection, which findings of fact and conclusions of law are  
9 incorporated herein by this reference in accordance with Fed. R. Bankr. P. 7052, at the hearing held on  
10 August 23, 2012; and for good cause appearing therefor,

11 **IT IS HEREBY ORDERED** that the Objection is SUSTAINED.

12 **IT IS FURTHER ORDERED** that the Ontimare Claim is disallowed and expunged in its  
13 entirety.

14 **IT IS FURTHER ORDERED** that the Claims Agent is hereby authorized and directed to  
15 remove the Ontimare Claim disallowed and expunged pursuant to this Order from the Claims Registry.

16 **IT IS FURTHER ORDERED** that this Court shall, and hereby does, retain jurisdiction with  
17 respect to all matters arising from or related to the implementation of this Order.

18  
19 Prepared and Respectfully Submitted by:

20 **FOX ROTHSCHILD LLP**

21 By /s/Brett A. Axelrod  
22 BRETT A. AXELROD, ESQ.  
Nevada Bar No. 5859  
23 MICAELA RUSTIA MOORE, ESQ.  
Nevada Bar No. 9676  
24 3800 Howard Hughes Parkway, Suite 500  
25 Las Vegas, Nevada 89169  
26 *Counsel for American West Development, Inc.*

27  
28 <sup>1</sup> All capitalized, undefined terms shall have the meaning ascribed to them in the Objection.

FOX ROTHSCHILD LLP  
3800 Howard Hughes Parkway, Suite 500  
Las Vegas, Nevada 89169  
(702) 262-6899  
(702) 597-5503 (fax)

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**CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021**

In accordance with Local Rule 9021, counsel submitting this document certifies as follows:

- The Court has waived the requirement of approval in LR 9021(b)(1).
- No party appeared at the hearing or filed an objection to the motion.
- I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below:
- I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order.

###

FOX ROTHSCHILD LLP  
3800 Howard Hughes Parkway, Suite 500  
Las Vegas, Nevada 89169  
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