



Honorable Mike K. Nakagawa  
United States Bankruptcy Judge



Entered on Docket  
September 04, 2012

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**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

**ORDER SUSTAINING DEBTOR'S  
OBJECTION TO PROOF OF CLAIM  
NO. 34 FILED BY DOUGLAS L. IRWIN  
AND LING IRWIN**

Hearing Date: August 23, 2012

Hearing Time: 10:00 a.m.

FOX ROTHSCHILD LLP  
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1 This Court, having reviewed and considered Debtor’s<sup>1</sup> Objection [Docket No. 474] (the  
2 “Objection”) to Proof of Claim No. 34 filed by Douglas L. Irwin and Ling Irwin (the “Irwin Claim”) for  
3 an order pursuant to section 502(b) of the Bankruptcy Code and Bankruptcy Rules 3003 and 3007,  
4 disallowing the Irwin Claim in its entirety; and upon consideration of the Second Omnibus Declaration  
5 of Robert M. Evans in Support of Debtor’s Objection to Certain Proofs of Claims; and no oppositions  
6 having been filed to the Objection; and Debtor having appeared by and through its counsel, Fox  
7 Rothschild LLP; and the Court having stated its findings of fact and conclusions of law on the record at  
8 the hearing on the Objection, which findings of fact and conclusions of law are incorporated herein by  
9 this reference in accordance with Fed. R. Bankr. P. 7052, at the hearing held on August 23, 2012; and  
10 for good cause appearing therefor,

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

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

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

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

17  
18 Prepared and Respectfully Submitted by:

19 **FOX ROTHSCHILD LLP**

20 By /s/Brett A. Axelrod

21 BRETT A. AXELROD, ESQ.

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

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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.

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