



Entered on Docket
December 21, 2006

Hon. Linda B. Riegle
United States Bankruptcy Judge

AUGUST B. LANDIS, ASSISTANT UNITED STATES TRUSTEE
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UNITED STATES DEPARTMENT OF JUSTICE
Office of the United States Trustee
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Attorneys for the Acting United States Trustee,
SARA L. KISTLER

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:

USA INVESTORS VI, LLC,

Debtor.

Chapter 7 - Involuntary

Case No. BK-S-06-13925

Date: December 19, 2006

Time: 9:30 a.m.

**ORDER FOR APPOINTMENT OF AN INTERIM TRUSTEE AND
RESTRICTING THE DEBTOR'S OPERATIONS DURING THE GAP PERIOD**

This matter came on for hearing pursuant to a Motion Under 11 U.S.C. §§ 303(f) and (g) for an Order Appointing an Interim Trustee, or Alternatively, Restricting the Debtor's Business Operations During the Gap Period. The motion was filed by USA Capital Diversified Trust Deed Fund, LLC ("Diversified"), the petitioning creditor in this involuntary case. No written

1 opposition to the motion was filed by the alleged debtor, USA Investors VI, LLC; however,
2 Russell Walker appeared at the hearing as its counsel, and argued on its behalf. Lenard
3 Schwartzer appeared at the hearing as counsel for Diversified, Jeffery Herman appeared on
4 behalf of Diversified's Official Unsecured Creditors Committee, and Assistant United States
5 Trustee August B. Landis appeared on behalf of the Office of the United States Trustee.
6 Appearances were noted on the record, and arguments were made concerning the motion filed by
7 Diversified.

8 The Court has reviewed and considered the motion, the declaration submitted in support
9 of the motion, and the arguments of counsel made at the December 19, 2006 hearing. Pursuant
10 to the Court's findings of fact and conclusions of law made on the record during the December
11 19, 2006 hearing in accordance with FED. R. BANKR. P. 9016(c) and 7052:

12 **IT IS ORDERED** that the relief requested in the motion is **GRANTED**.

13 **IT IS FURTHER ORDERED** that, pursuant to 11 U.S.C. § 303(g), the United States
14 Trustee shall appoint an interim trustee under 11 U.S.C. § 701 to take possession of the property
15 of the estate and to operate any business of the debtor.

16 **IT IS FURTHER ORDERED** that, from the time of the oral announcement of this order
17 in open court, USA Investors VI, LLC shall not take any action to convey, encumber, or in any
18 manner transfer or diminish its assets, specifically including the Hotel Zoso property and other
19 assets described in the motion, absent further order of this Court.

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22 **Submitted by:**

23 SARA L. KISTLER
24 ACTING UNITED STATES TRUSTEE
25 REGION 17

26 By: /s/ August B. Landis
27 August B. Landis
28 Assistant United States Trustee
Las Vegas, Nevada

1 **RULE 9021 DECLARATION**

2 In accordance with Local Rule 9021, the undersigned certifies that:

3 The Court waived the requirements of Local Rule 9021.

4 A copy of this proposed order has been delivered to the following attorneys and
5 unrepresented parties who appeared at the hearing regarding this matter and/or who filed
6 a written objection, and they have:

- 7 Approved the form of this order
8 Waived signature in open court; and/or
9 Failed to file and serve papers in accordance with Local Rule 9021(c).

10 I have delivered a copy of this proposed order to all attorneys and unrepresented
11 parties who appeared at the hearing regarding this matter and/or who filed a written
12 objection, and all have either approved the form of this order, waived the right to review
13 the order, failed to file and serve papers in accordance with Local Rule 9021(c), and the
14 following have disapproved the order:

15 No opposition was filed in response to the motion, and no other party or counsel
16 appeared at the hearing.

17 **SARA L. KISTLER**
18 **ACTING UNITED STATES TRUSTEE**
19 **REGION 17**

20 By: /s/ August B. Landis
21 August B. Landis
22 Assistant United States Trustee
23 Las Vegas, Nevada

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