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9 Attorneys for Debtor and Debtor-in-Possession  
10 NNN Parkway 400 26, LLC

11 **UNITED STATES BANKRUPTCY COURT**  
12 **CENTRAL DISTRICT OF CALIFORNIA**  
13 **SANTA ANA DIVISION**

14 In re  
15 NNN PARKWAY 400 26, LLC,  
16 Debtor and  
17 Debtor-in-  
Possession.

Case No. 8:12-bk-24593-TA

Chapter 11

**EVIDENTIARY OBJECTIONS TO  
DECLARATION OF DMITRY SULSKY IN  
SUPPORT OF MOTIONS OF WBCMT  
2007-C31 AMBERPARK OFFICE LIMITED  
PARTNERSHIP (I) FOR RELIEF FROM  
THE AUTOMATIC STAY AND (II) TO  
DISMISS THE CASE**

**DATE: August 7, 2013**

**TIME: 10:00 a.m.**

**PLACE: Courtroom 5B**

**Weiland, Golden,  
Smiley, Wang Ekvall & Strok, LLP**  
650 Town Center Drive, Suite 950  
Costa Mesa, California 92626  
Tel 714-966-1000 Fax 714-966-1002

1 **TO THE HONORABLE THEODOR C. ALBERT, UNITED STATES BANKRUPTCY**  
 2 **JUDGE:**

3 NNN Parkway 400 26, LLC, the Debtor and Debtor-in-Possession, respectfully  
 4 submits these evidentiary objections to the *Declaration of Dmitry Sulsky in Support of*  
 5 *Motions of WBCMT 2007-31 Amberpark Office Limited Partnership (I) for Relief from the*  
 6 *Automatic Stay and (II) to Dismiss the Case* as follows:

| Material Objected to   | Grounds for Objection        |
|--|------------------------------|
| 8 <b>Paragraph 8 (p. 4, ll. 22-26):</b> As of the Petition Date,<br>9 monetary defaults under the Note totaled approximately<br>10 \$31,898,236.06. A true and correct copy of the payoff<br>11 statement as of December 31, 2012 is attached hereto<br>and incorporated by reference as <u>Exhibit U</u> . The payoff<br>statement accurately reflects monetary defaults under the<br>Note as of the Petition Date. | Lack of foundation (FRE 602) |

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 Smiley, Wang Ekvall & Strok, LLP  
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 13  
 14 DATED: July 24, 2013

Respectfully submitted,  
 WEILAND, GOLDEN,  
 SMILEY, WANG EKVALL & STROK, LLP

By: /s/ Beth E. Gaschen  
 BETH E. GASCHEN  
 Attorneys for Debtor and Debtor-in-  
 Possession NNN Parkway 400 26, LLC

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## 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:

**650 Town Center Drive, Suite 950, Costa Mesa, California 92626**

A true and correct copy of the foregoing document entitled (*specify*): **EVIDENTIARY OBJECTIONS TO DECLARATION OF DMITRY SULSKY IN SUPPORT OF MOTIONS OF WBCMT 2007-C31 AMBERPARK OFFICE LIMITED PARTNERSHIP (I) FOR RELIEF FROM THE AUTOMATIC STAY AND (II) TO DISMISS THE CASE** 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:

**1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) **July 24, 2013**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

Christine E Baur christine@baurbklaw.com, rayla@baurbklaw.com  
Beth Gaschen bgaschen@wgllp.com, msciesinski@wgllp.com  
Beth Gaschen bgaschen@wgllp.com, msciesinski@wgllp.com  
Nancy S Goldenberg nancy.goldenberg@usdoj.gov  
Mary D Lane mal@msk.com, mec@msk.com  
David A Lee dlee@wgllp.com  
Christina M Padien cpadien@akingump.com, tsouthwell@akingump.com  
Evan D Smiley esmiley@wgllp.com, msciesinski@wgllp.com  
United States Trustee (SA) ustpregion16.sa.ecf@usdoj.gov  
Arnold H Wuhrman Wuhrman@serenitylls.com

Service information continued on attached page

**2. SERVED BY UNITED STATES MAIL:**

On (*date*) \_\_\_\_\_, I served the following persons and/or entities at the last known addresses 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 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

**3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL** (*state method for each person or entity served*): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) **July 24, 2013**, I served the following persons and/or entities by personal delivery, overnight mail service, 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, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

The Honorable Theodor Albert, United States Bankruptcy Court, 411 W. 4th Street, Santa Ana, CA 92701

Service information continued on attached page

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

7/24/2013

Margaret Sciesinski

/s/ Margaret Sciesinski

Date

Printed Name

Signature

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

