

DECLARATION OF STEVEN GUTTMAN

Declarant STEVEN GUTTMAN ("Declarant"), declares under penalty of perjury that the statements made hereinbelow are true and correct to the best of his knowledge, information and belief.

1. Declarant is duly licensed to practice law before this court and the courts of the State of Hawaii, and is the attorney for Successor-Trustee JAMES B. NICHOLSON ("Successor-Trustee") in this proceeding.

2. Declarant has personal knowledge of the matters set forth below and if called upon to testify, would do so as to the facts stated herein.

3. This Declaration is submitted in support of the Successor-Trustee's Memorandum in Opposition to the Motion for Order to Disapprove Appointment of James B. Nicholson as Successor Trustee ("Motion"), filed herein on June 19, 2006 on behalf of Debtor BOBBY N. HARMON ("Harmon").

4. On June 19, 2006, Declarant received via electronic transmission from the U.S. Bankruptcy Court for the District of Hawaii a *Notice of Hearing* advising that the subject Motion will be heard on July 19, 2006, at 2:00 P.M. The Notice included a Certificate of Service identifying all the creditors and parties-in-interest on whom the Notice had been

served, including Harmon. A true and correct copy of the Notice of Hearing and Certificate of Service is attached hereto as Exhibit "A".

5. On June 27, 2006, Declarant reviewed the docket maintained by the Court in this proceeding. Notwithstanding his review of the docket, Declarant was unable to located any evidence that a Change of Address Notice had been filed by or on behalf of Harmon. A true and correct copy of the case docket printed through June 27, 2006, is attached hereto as Exhibit "B".

6. On March 13, 2003, the former Trustee filed a demand for Arbitration with the American Arbitration Association ("AAA"). The Arbitrator Judith Neustadter was not appointed until August, 2003. The sole reason for the AAA's delay in appointing an Arbitrator was Harmon's insistence on submitting frivolous and unfounded objections to the potential arbitrators nominated by the AAA, all of which resulted in the Trustee incurring a considerable amount of attorneys' fees.

DATED: Honolulu, Hawaii, June 28, 2006.



STEVEN GUTTMAN

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF HAWAII**

Case No. 99-04339

Chapter 7

In re:

Bobby Norris Harmon
dba Orbits Hawaii
5597 Ness Avenue
Las Vegas, NV 89118-2070

~~Bobby Norris Harmon~~
dba Orbits Hawaii
10951 SOUTHGATE MANOR DR. #4
LOUISVILLE, KY 40229-1651

Social Security No.:
xxx-xx-1562

xxx-xx-1990

Employer's Tax I.D. No.:
NA

NA

NOTICE OF SUCCESSOR TRUSTEE

NOTICE IS HEREBY GIVEN that the United States Trustee has filed a Notice of Appointment of a Successor Trustee in this case. The designated interim successor trustee is:

James B. Nicholson
P.O. Box 15696
Honolulu, HI 96830-5696

Telephone number: 808- 590-2157

NOTICE IS FURTHER GIVEN that unless a party in interest files a request for the election of a trustee within 10 days of the date of this notice, the above-named interim successor trustee will become and serve as the permanent trustee.

Date: May 12, 2006

FOR THE COURT

Address of the Bankruptcy Clerk's Office:
1132 Bishop Street
Suite 250L
Honolulu, HI 96813

Clerk of the Bankruptcy Court:

Michael B. Dowling

Telephone number: (808) 522-8100

EXHIBIT A