

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Robert S. Bardwil
Bankruptcy Judge
Sacramento, California

January 6, 2009 at 1:00 p.m.

INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS

1. Matters resolved without oral argument:

Unless stated otherwise, the court will prepare a civil minute order on each matter listed. If the moving party wants a more specific order, it should submit a proposed amended order to the court. In the event a party wishes to submit such an Order it needs to be titled "Amended Civil Minute Order."

If the moving party has received a response or is aware of any reason, such as a settlement, that a response may not have been filed, the moving party must contact Nancy Williams, the Courtroom Deputy, at (916) 930-4580 at least one hour prior to the scheduled hearing.

2. The court will not continue any short cause evidentiary hearings scheduled below.
3. If a matter is denied or overruled without prejudice, the moving party may file a new motion or objection to claim with a new docket control number. The moving party may not simply re-notice the original motion.
4. If no disposition is set forth below, the matter will be heard as scheduled.

1.	08-22600-D-13L LEVI/NIKKI CASTOE DEF #1	HEARING - MOTION TO CONFIRM FIRST MODIFIED CHAPTER 13 PLAN 11-24-08 [22]
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The motion is denied for the following reasons: (1) the moving parties failed to serve the Amador County Tax Collector, listed in their D-schedule and provided for in the plan; and (2) the proof of service purports to evidence service of a first modified chapter 13 plan, but there is no such plan on file. The plan filed with this motion is entitled Chapter 13 Plan. As a result of these defects the court will deny the motion by minute order. No appearance is necessary.

2. 08-33501-D-13L BRUCE KELLY
HAW #1

HEARING - MOTION
TO CONFIRM CHAPTER 13 PLAN
11-10-08 [18]

The "attached service list" referred to in the proof of service is not attached; thus, there is no evidence the trustee or any creditors were served. As a result this hearing is continued to January 13, 2009 at 1:00 p.m., to allow an amended proof of service to be filed no later than January 7, 2009. No appearance is necessary.

3. 08-23603-D-13L GUY/JAMIE LYNN
MBL #1
INDYMAC FEDERAL BANK FSB, VS.

HEARING - MOTION FOR
RELIEF FROM AUTOMATIC STAY
12-3-08 [89]

4. 08-32804-D-13L ANITA MORGAN AND
ADS #2 FRANK BERRY

HEARING - MOTION TO
VALUE COLLATERAL OF SELECT
PORTFOLIO SERVICING
12-8-08 [24]

The motion is denied for the following reasons: 1) on December 3, 2008, five days prior to the filing of this motion, a proof of claim was filed naming Assets Recovery Center Investments, LLC, as the creditor holding the secured claim that is the target of this motion. Attached to the claim is a copy of a letter dated October 6, 2008 to the debtor advising that servicing of the loan had been transferred from Select Portfolio Servicing to Assets Recovery Center Investments, LLC. Despite the letter and the proof of claim, the motion was served only on Select Portfolio Servicing, and not on Assets Recovery Center Investments; and (2) although the moving parties served Select Portfolio Servicing by certified mail, counsel should be cautioned that Assets Recovery Center Investments, does not appear to be an FDIC-insured institution, and, as such should be served by first-class mail, rather than by certified mail. FRBP 7004(b) (3). For these reasons the court will deny the motion by minute order. No appearance is necessary.

5. 08-34905-D-13L PAMELA MAESTAS HEARING - MOTION
SS #3 TO VALUE COLLATERAL OF
KEY BANK
12-5-08 [24]

The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed and the relief requested in the motion is supported by the record. As such the court will grant the motion and, for purposes of this motion only, set the amount of the creditor's secured claim at \$0.00. Moving party is to submit an appropriate order which provides that the creditor's secured claim is valued at \$0.00. No further relief is being afforded. No appearance is necessary.

6. 08-28906-D-13L ROBERT/LORI WILLIAMS CONT. HEARING - MOTION FOR
MDE #1 RELIEF FROM AUTOMATIC STAY
CITIMORTGAGE, INC., VS. 9-8-08 [24]

7. 08-20108-D-13L RUDY/VIOLET SYLVAN HEARING - MOTION FOR
JHK #1 RELIEF FROM AUTOMATIC STAY
DAIMLERCHRYSLER FINANCIAL 12-5-08 [54]
SERVICES AMERICAS LLC, VS.

The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed and the relief requested in the motion is supported by the record. As such the court will grant relief from stay by minute order. As the debtors are not making post-petition payments and the creditor's collateral is a depreciating asset, the court will also waive FRBP 4001(a)(3). There will be no further relief afforded. No appearance is necessary.

8. 03-26812-D-13L WILLIAM/ALICIA BECZE HEARING - MOTION
ET #11 TO VALUE COLLATERAL OF
ROUNDUP FUNDING LLC
12-8-08 [181]

The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed and the relief requested in the motion is supported by the record. As such the court will grant the motion. Moving party is to submit an appropriate order. No appearance is necessary.

9. 04-29912-D-13L CARL/LYNDA YATES
GW #4

HEARING - MOTION
FOR APPROVAL OF DEBTORS'
ATTORNEY FEES AND/OR COSTS
(\$1,400.50)
12-2-08 [88]

The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed and the relief requested in the motion is supported by the record. As such the court will grant the motion by minute order. No appearance is necessary.

10. 08-35512-D-13L MICHAEL JORDAN
WGM #1

HEARING - OBJECTION TO
CONFIRMATION OF DEBTOR'S
CHAPTER 13 PLAN BY AMERICAN
HOME MORTGAGE SERVICES, INC.
11-24-08 [15]

11. 08-36812-D-13L BOBBY/ELIZABETH COX
MWB #1

HEARING - MOTION
TO VALUE COLLATERAL OF
COUNTRYWIDE HOME LOANS, INC.
11-25-08 [10]

The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed and the relief requested in the motion is supported by the record. As such the court will grant the motion and, for purposes of this motion only, set the amount of the creditor's secured claim at \$0.00. Moving party is to submit an appropriate order which provides that the creditor's secured claim is valued at \$0.00. No further relief is being afforded. No appearance is necessary.

12. 08-35813-D-13L STEPHANIE TANNER
NLE #1

HEARING - OBJECTION
TO CONFIRMATION OF PLAN
BY TRUSTEE
12-9-08 [14]

13. 08-35616-D-7 MICHAEL/ESTRELLITA MULLER HEARING - OBJECTION
NLE #1 TO CONFIRMATION OF PLAN
BY TRUSTEE
12-9-08 [16]

This case was converted to a case under Chapter 7 on December 16, 2008. As a result the objection will be overruled by minute order as moot. No appearance is necessary.

14. 07-28117-D-13L GLORIA MOGANNAM HEARING - MOTION
SDB #2 TO MODIFY CHAPTER 13 PLAN
AFTER CONFIRMATION
11-14-08 [43]

The relief requested in the motion is supported by the record and no timely opposition to the motion has been filed. Accordingly, the court will grant the motion by minute order and no appearance is necessary. The moving party is to lodge an order confirming the plan, amended plan, or modification to plan, and shall use the form of order which is attached as Exhibit 2 to General Order 05-03. The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

15. 08-22420-D-13L TERRI/TONY BREY HEARING - DEBTORS'
MOH #2 MOTION TO CONFIRM SECOND
AMENDED CHAPTER 13 PLAN
11-24-08 [78]

The motion is denied for the following reasons: 1) there is no proof of service on file; and (2) the plan contains an Attachment M-3, motion to value the collateral of Chase Home Finance. Neither the notice of hearing nor the motion provides adequate notice to the creditor of the nature of the relief sought against it (such as would be required by GO.05-03, para. 3(b) had the plan and Attachment M-3 been served 18 calendar days before the meeting of creditors). For these reasons the court will deny the motion by minute order. No appearance is necessary.

16. 08-24520-D-13L BRADLEY KROUSE HEARING - OBJECTION
NLE #2 TO CLAIM OF NORDSTROM FSB
11-13-08 [47]

The matter is resolved without oral argument. The court's record indicates that no timely opposition/response has been filed and the objection is supported by the record. Accordingly, the court will issue a minute order sustaining the trustee's objection to exemption. No appearance is necessary.

17. 08-23421-D-13L REED/STACIE BLOCK
EJS #1

HEARING - MOTION TO
DETERMINE VALUE OF COLLATERAL
OF CITIBANK EQUITY LINE
11-13-08 [28]

The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed and the relief requested in the motion is supported by the record. As such the court will grant the motion and, for purposes of this motion only, set the amount of the creditor's secured claim at \$0.00. Moving party is to submit an appropriate order which provides that the creditor's secured claim is valued at \$0.00. No further relief is being afforded. No appearance is necessary.

18. 08-36021-D-13L MILTON ARMSTRONG

HEARING - OBJECTION
TO CONFIRMATION OF DEBTOR'S
CHAPTER 13 PLAN BY FIRST
FEDERAL BANK OF CALIFORNIA
12-9-08 [22]

The motion is denied for the following reasons: (1) the moving party failed to serve the creditor, an FDIC-insured institution, by certified mail, addressed to an officer, or through the attorney who has appeared for the creditor in this case (DN 24), as required by FRBP 7004(h); (2) the notice of hearing gives the correct information regarding written opposition to the motion, but a Notice of Treatment Under Proposed Chapter 13 Plan, filed and served with the motion, gives conflicting information which is incorrect; and (3) the notice of hearing and related documents list an incorrect courtroom number. Separate and apart from these defects, the District Court website does not show David Smyth as admitted in this district. Counsel needs to file evidence of his admission to practice in this district before appearing in this matter. For these reasons the court will deny the motion by minute order. No appearance is necessary.

19. 08-36021-D-13L MILTON ARMSTRONG
DAS #1

HEARING - MOTION
TO VALUE COLLATERAL OF
COUNTRYWIDE BANK
12-1-08 [13]

The court has denied the motion to confirm this plan, which is calendar item no. 18. As such the objection will be overruled by minute order as moot. No appearance is necessary.

20. 08-36021-D-13L MILTON ARMSTRONG
NLE #1

HEARING - OBJECTION
TO CONFIRMATION OF PLAN
BY TRUSTEE
12-9-08 [19]

The court has denied the motion to confirm this plan, which is calendar item no. 18. As such the objection will be overruled by minute order as moot. No appearance is necessary.

21. 06-22823-D-13L WILBURN/VICKY TAYLOR HEARING - MOTION TO
SDB #2 MODIFY CHAPTER 13 PLAN
AFTER CONFIRMATION
11-20-08 [50]

The relief requested in the motion is supported by the record and no timely opposition to the motion has been filed. Accordingly, the court will grant the motion by minute order and no appearance is necessary. The moving party is to lodge an order confirming the plan, amended plan, or modification to plan, and shall use the form of order which is attached as Exhibit 2 to General Order 05-03. The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

22. 08-31523-D-13L DANIEL/KATHERINE MORROW HEARING - MOTION TO
JT #1 CONFIRM FIRST AMENDED
CHAPTER 13 PLAN
11-21-08 [37]

23. 08-27625-D-13L RODOLFO RODRIQUEZ AND HEARING - MOTION TO
JT #1 GUADALUPE VENEGAS VALUE COLLATERAL OF
INDYMAC BANK
12-3-08 [27]

The motion is denied for the following reasons: (1) secured creditor, Indymac Bank, is an insured depository institution. FRBP 7004(h) requires service on an insured depository institution by certified mail. The creditor was not served by certified mail and as such service is defective; and (2) this is a motion to value collateral of IndyMac Bank, but the proof of service purports to evidence service of a motion to value collateral of Bank of America. As a result of these defects the court will deny the motion by minute order. No appearance is necessary.

24. 08-22026-D-13L MATTHEW/AUTUMN GALAN HEARING - MOTION TO
JT #1 MODIFY CHAPTER 13 PLAN
AFTER CONFIRMATION
11-21-08 [48]

25. 08-35527-D-13L GRACIA CASTANEDA
NLE #1

HEARING - TRUSTEE'S
OBJECTION TO CONFIRMATION OF
PLAN AND MOTION TO DISMISS
12-9-08 [13]

26. 08-23929-D-13L KEVIN GREEN
JT #2

HEARING - MOTION TO
MODIFY CHAPTER 13 PLAN
AFTER CONFIRMATION
11-26-08 [36]

27. 08-34129-D-13L BRIAN/SHANNON DESMARAIS
JT #1

HEARING - MOTION TO
VALUE COLLATERAL MAGNATE
FUND, LLC
12-4-08 [27]

The hearing on this motion is continued to January 27, 2009 at 1:00 p.m. to be heard with the objection to plan confirmation (docket control nos. DD-1 and DD-2). No appearance is necessary.

28. 08-30230-D-13L DONALD/VIKI POWELL
CYB #1

CONT. HEARING - MOTION
TO VALUE COLLATERAL OF
WACHOVIA DEALER SERVICES
9-2-08 [14]

29. 04-27632-D-13L LAWRENCE KNIGHT
MET #2

HEARING - MOTION
TO MODIFY PLAN
12-1-08 [114]

30. 08-30032-D-13L NABETH MUSTARD
PGM #2

HEARING - MOTION
TO MODIFY CHAPTER 13 PLAN
AFTER CONFIRMATION
11-26-08 [34]

31. 08-28433-D-13L CARLOS/LISA PEREZ
JT #3

HEARING - SECOND
MOTION TO CONFIRM FIRST
AMENDNED CHAPTER 13 PLAN
11-17-08 [51]

The relief requested in the motion is supported by the record and no timely opposition to the motion has been filed. Accordingly, the court will grant the motion by minute order and no appearance is necessary. The moving party is to lodge an order confirming the plan, amended plan, or modification to plan, and shall use the form of order which is attached as Exhibit 2 to General Order 05-03. The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

32. 08-35733-D-13L DONALD DAVENPORT
SKI #1

HEARING - OBJECTION TO
CONFIRMATION OF PROPOSED
CHAPTER 13 PLAN
11-19-08 [12]

33. 08-35733-D-13L DONALD DAVENPORT
NLE #1

HEARING - TRUSTEE'S
OBJECTION TO CONFIRMATION OF
PLAN AND MOTION TO DISMISS
12-9-08 [19]

34. 08-35134-D-13L THOMAS/SHEILA WILKERSON
SDB #1

HEARING - DEBTORS'
MOTION FOR ORDER VALUING
COLLATERAL OF WACHOVIA MORTGAGE
12-1-09 [16]

The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed and the relief requested in the motion is supported by the record. As such the court will grant the motion and, for purposes of this motion only, set the amount of the creditor's secured claim at \$0.00. Moving party is to submit an appropriate order which provides that the creditor's secured claim is valued at \$0.00. No further relief is being afforded. No appearance is necessary.

35. 08-35134-D-13L THOMAS/SHEILA WILKERSON
SDB #2

HEARING - DEBTORS'
MOTION FOR ORDER VALUING
COLLATERAL OF 1ST PACIFIC
CREDIT UNION
12-1-09 [21]

The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed and the relief requested in the motion is supported by the record. As such the court will grant the motion. Moving party is to submit an appropriate order. No appearance is necessary.

36. 08-30036-D-13L CHRISTOPHER/MELISSA
JT #2 STOLLARD

HEARING - MOTION TO
CONFIRM SECOND AMENDED
CHAPTER 13 PLAN
11-21-08 [37]

Feasibility of the plan depends on the court's valuing the secured claim of First Horizon/First Tennessee Bank at \$0. Hearing on the Debtors' motion to value this creditor's collateral is set for Jan. 13, 2009, 1:00 p.m. As such this hearing is continued to January 13, 2009 at 1:00 p.m. No appearance is necessary.

37. 08-27338-D-13L ANGELA IVANHOE
PGM #1
HEARING - MOTION
TO MODIFY CHAPTER 13 PLAN
AFTER CONFIRMATION
11-26-08 [23]
38. 08-23239-D-13L LARRY/FLANNERY HAWKINS
NLE #2
HEARING - OBJECTION
TO CLAIM NO. 27 OF GOLDEN
ONE CREDIT UNION
11-13-08 [68]
39. 08-23239-D-13L LARRY/FLANNERY HAWKINS
NLE #3
HEARING - OBJECTION
TO CLAIM NO. 28 OF GOLDEN
ONE CREDIT UNION
11-13-08 [64]
40. 08-23239-D-13L LARRY/FLANNERY HAWKINS
SAC #4
HEARING - OBJECTION
TO PROOF OF CLAIM OF MADERA
COMMUNITY HOSPITAL
11-13-08 [72]

This objection was filed on November 13, 2008. On December 8, 2008 the debtors re-filed and re-served the objection and related pleadings, this time setting the objection for hearing on January 27, 2009 at 1:00 p.m. As such the hearing on this objection is continued to January 27, 2009 at 1:00 p.m., to be heard with the objection filed December 8, 2008 (Docket No. 89). No appearance is necessary.

41. 08-37444-D-13L DEAN/STEPHANIE PORTER HEARING - MOTION
BHS #1 FOR ORDER VALUING COLLATERAL
OF LITTON LOAN SERVICING, LP
11-26-08 [8]

This motion has been resolved by stipulation and order. Matter removed from calendar. No appearance is necessary.

42. 08-37444-D-13L DEAN/STEPHANIE PORTER HEARING - MOTION
BHS #2 FOR ORDER VALUING COLLATERAL
OF GREENTREE
11-26-08 [12]

The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed and the relief requested in the motion is supported by the record. As such the court will grant the motion and, for purposes of this motion only, set the amount of the creditor's secured claim at \$0.00. Moving party is to submit an appropriate order which provides that the creditor's secured claim is valued at \$0.00. No further relief is being afforded. No appearance is necessary.

43. 08-21447-D-13L DENISE CLARK HEARING - MOTION
GW #1 FOR APPROVAL OF DEBTOR'S
ATTORNEY FEES AND COSTS
(\$3,400.00 FEES; \$274.00 EXP.)
12-2-08 [34]

The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed and the relief requested in the motion is supported by the record. As such the court will grant the motion by minute order. No appearance is necessary.

44. 08-26647-D-13L THOMAS/WENDY DOTY HEARING - DEBTORS'
MOH #2 MOTION TO CONFIRM SECOND
AMENDED CHAPTER 13 PLAN
11-21-08 [39]

The relief requested in the motion is supported by the record and no timely opposition to the motion has been filed. Accordingly, the court will grant the motion by minute order and no appearance is necessary. The moving party is to lodge an order confirming the plan, amended plan, or modification to plan, and shall use the form of order which is attached as Exhibit 2 to General Order 05-03. The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

45. 08-27647-D-13L LEE/SHEILA HANEY
NLE #2

HEARING - OBJECTION
TO CLAIM OF AURORA LOAN
SERVICES, LLC
11-10-08 [40]

The matter is resolved without oral argument. The court's record indicates that no timely opposition/response has been filed and the objection is supported by the record. Accordingly, the court will issue a minute order sustaining the trustee's objection to exemption. No appearance is necessary.

46. 08-36047-D-13L JOHN/CHARLENE JOHNSON
PPR #1

HEARING - OBJECTION TO
PROPOSED CHAPTER 13 PLAN AND
MOTION TO VALUE PROPERTY AND
CONFIRMED THEREOF BY FIRST
FRANKLIN
12-1-08 [15]

47. 08-36047-D-13L JOHN/CHARLENE JOHNSON
PGM #1

HEARING - MOTION
TO VALUE COLLATERAL OF FIRST
FRANKLIN/HOME LOAN SERVICES
12-3-08 [21]

48. 05-37448-D-13L CHRIS LOW
FEC #10

HEARING - MOTION TO
CONFIRM THIRD MODIFIED
CHAPTER 13 PLAN
11-25-08 [118]

The relief requested in the motion is supported by the record and no timely opposition to the motion has been filed. Accordingly, the court will grant the motion by minute order and no appearance is necessary. The moving party is to lodge an order confirming the plan, amended plan, or modification to plan, and shall use the form of order which is attached as Exhibit 2 to General Order 05-03. The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

49. 08-35650-D-13L AMIE FAAL
NLE #1

HEARING - TRUSTEE'S
OBJECTION TO CONFIRMATION
AND MOTION TO DISMISS
12-9-08 [14]

50. 08-35650-D-13L AMIE FAAL
BTH #1

HEARING - OBJECTION
TO CONFIRMATION OF CHAPTER 13
PLAN BY DHI MORTGAGE CO., LTD.
12-11-08 [18]

51. 08-29652-D-13L CYNTHIA SMITH
JB #3

HEARING - MOTION
TO CONFIRM SECOND AMENDED
CHAPTER 13 PLAN
11-19-08 [42]

The motion is denied for the following reasons: 1) the moving party failed to serve several creditors at the addresses on their filed proofs of claim as required by FRBP 2002(g); (2) the moving party failed to serve Americredit, listed in her D-schedule; (3) the proof of service does not adequately state the manner of service, only that copies of the documents were placed in envelopes, with postage prepaid and addressed as set forth. There is no evidence the envelopes were then sent by first-class mail. For these reasons the court will deny the motion by minute order. No appearance is necessary.

52. 08-32552-D-13L ANGEL JENKINS
PGM #1

HEARING - MOTION TO
CONFIRM DEBTOR'S FIRST
AMENDED PLAN
11-20-08 [27]

The relief requested in the motion is supported by the record and no timely opposition to the motion has been filed. Accordingly, the court will grant the motion by minute order and no appearance is necessary. The moving party is to lodge an order confirming the plan, amended plan, or modification to plan, and shall use the form of order which is attached as Exhibit 2 to General Order 05-03. The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

53. 08-31353-D-13L RICHARD/BETTY PI
SDB #2

CONT. HEARING - DEBTORS'
MOTION FOR ORDER VALUING
COLLATERAL OF BANK OF AMERICA
11-6-08 [16]

The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed and the relief requested in the motion is supported by the record. As such the court will grant the motion and, for purposes of this motion only, set the amount of the creditor's secured claim at \$0.00. Moving party is to submit an appropriate order which provides that the creditor's secured claim is valued at \$0.00. No further relief is being afforded. No appearance is necessary.

54. 08-31254-D-13L PATTY CASEY
PGM #1

HEARING - MOTION
TO VALUE COLLATERAL OF CLEAN
ENERGY FINANCE LLC
12-5-08 [33]

55. 08-31455-D-13L LUIS GULARTE
APN #1
WELLS FARGO AUTO FINANCE, VS.

HEARING - MOTION FOR
RELIEF FROM AUTOMATIC STAY
12-8-08 [51]

The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed and the relief requested in the motion is supported by the record. As such the court will grant relief from stay by minute order. As the debtor is not making post-petition payments and the creditor's collateral is a depreciating asset, the court will also waive FRBP 4001(a)(3). There will be no further relief afforded. No appearance is necessary.

56. 08-31455-D-13L LUIS GULARTE
DT #3

HEARING - MOTION TO
CONFIRM SECOND AMENDED
CHAPTER 13 PLAN
11-25-08 [46]

The motion is denied for the following reasons: (1) the motion and all related documents, including the proof of service, refer to a second amended plan. However, there is no plan on file with that title. The plan that is the subject of this motion is entitled amended plan; (2) the plan contains an Attachment M-3 - motion to value the collateral of Bank of America. Neither the notice of hearing nor the motion provides adequate notice to the creditor of the nature of the relief sought against it (such as would be required by GO.05-03, para. 3(b) had the plan and Attachment M-3 been served 18 calendar days before the meeting of creditors). In addition, the moving party failed to serve Bank of America in accordance with FRBP 7004(h); and (3) the notice of hearing gives an incorrect opposition due date, November 22, 2008. For these reasons the court will deny the motion by minute order. No appearance is necessary.

57. 08-25758-D-13L MILDRED TURNER
TJW #2

HEARING - DEBTORS' MOTION
TO APPROVE SECOND AMENDED
CHAPTER 13 PLAN
11-20-08 [50]

58. 08-35961-D-13L DAFNA LEVI
NLE #1

HEARING - TRUSTEE'S
OBJECTION TO CONFIRMATION
AND MOTION TO DISMISS
12-9-08 [16]

59. 08-32662-D-13L THOMAS/GINA PETERS
SAC #1

CONT. HEARING - MOTION
TO VALUE COLLATERAL OF
FIRST HORIZON
11-3-08 [19]

The court's pre-hearing disposition for December 3, 2008 indicates the hearing was continued to allow the moving parties to correct a service defect. On December 3, 2008 the moving parties attempted to correct the service defect, but there are two problems: (1) they served the motion, notice of motion, and declaration on First Tennessee Bank by certified mail. However, they neither filed nor served a notice of continued hearing. Thus, the bank has no notice of the continued hearing date, and the due date for written opposition in the original notice had already passed; and (2) they failed to serve the bank to the attention of an officer, contrary to FRBP 7004(h). For these reasons the court will deny the motion by minute order. No appearance is necessary.

60. 08-26463-D-13L BRENDA THOMAS
WGM #1
JPMORGAN CHASE BANK, VS.

HEARING - MOTION FOR
RELIEF FROM AUTOMATIC STAY
ON REAL PROPERTY
12-11-08 [27]

The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed and the relief requested in the motion is supported by the record. As such the court will grant relief from stay by minute order. There will be no further relief afforded. No appearance is necessary.

61. 08-36066-D-13L JOSE/REBECCA TUZON
EJS #1

HEARING - MOTION TO
DETERMINE VALUE OF COLLATERAL
OF AMERICAN HOME MORTGAGE
11-17-08 [15]

The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed and the relief requested in the motion is supported by the record. As such the court will grant the motion and, for purposes of this motion only, set the amount of the creditor's secured claim at \$0.00. Moving party is to submit an appropriate order which provides that the creditor's secured claim is valued at \$0.00. No further relief is being afforded. No appearance is necessary.

62. 08-36166-D-13L DAVID/RAYE WONDER
MWB #1

HEARING - MOTION TO
VALUE COLLATERAL OF HSBC
MORTGAGE SERVICES, INC.
11-17-08 [18]

63. 08-36166-D-13L DAVID/RAYE WONDER
MWB #2

HEARING - MOTION
TO VALUE COLLATERAL
OF GMAC BANK
11-17-08 [13]

The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed and the relief requested in the motion is supported by the record. As such the court will grant the motion. Moving party is to submit an appropriate order. No appearance is necessary.

64. 08-37766-D-13L MARTIN/SYLVIA MIRANDA
SAC #1

HEARING - MOTION TO
VOID BANKRUPTCY CASE AND
REFUND FILING FEE
12-9-08 [10]

65. 08-35568-D-13L ROSALINDA EVERINGHAM
NLE #1

HEARING - TRUSTEE'S
OBJECTION TO CONFIRMATION OF
PLAN AND MOTION TO DISMISS
12-9-08 [14]

66. 08-36068-D-13L REX REYES
NLE #1

HEARING - OBJECTION
TO CONFIRMATION OF PLAN
BY TRUSTEE
12-9-08 [14]

67. 08-36068-D-13L REX REYES
SW #1

HEARING - OBJECTION
TO CONFIRMATION OF PLAN BY
WACHOVIA DEALER SERVICES, INC.
12-11-08 [17]

68. 08-32469-D-13L THELMA CLARK
DT #2

HEARING - MOTION TO
CONFIRM THIRD AMENDED
CHAPTER 13 PLAN
11-25-08 [39]

The motion is denied for the following reasons: 1) the moving party failed to serve Jonathan Neil & Associates and the Calif. State Automobile Assoc., listed in the debtor's F-schedule; (2) the motion and all related documents, including the proof of service, refer to a third amended plan, but the plan that is the subject of the motion is not so entitled, and does not otherwise indicate in any way that it is an amended plan; (3) the notice of hearing gives an incorrect opposition due date, November 22, 2008; and (4) the plan fails to provide for the claim secured by the first deed of trust on the Debtor's residence other than to provide for an equitable lien in the amount of \$150,000 and an unsecured claim for \$153,000. Thus, this plan provision modifies the rights of the secured creditor, contrary to 11 U.S.C. § 1322(b)(2), and the plan is not confirmable. Further, in that the plan depends on such treatment of the secured claim, the plan is not feasible. For these reasons the court will deny the motion by minute order. No appearance is necessary.

69. 08-35475-D-13L ALFREDO/TONYA GUTIERREZ
SS #1

HEARING - MOTION
TO VALUE COLLATERAL OF
CITI MORTGAGE, INC.
11-25-08 [13]

The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed and the relief requested in the motion is supported by the record. As such the court will grant the motion and, for purposes of this motion only, set the amount of the creditor's secured claim at \$0.00. Moving party is to submit an appropriate order which provides that the creditor's secured claim is valued at \$0.00. No further relief is being afforded. No appearance is necessary.

70. 08-35876-D-13L LINDA BRISTOW
NLE #1
HEARING - OBJECTION
TO CONFIRMATION OF PLAN
BY TRUSTEE
12-9-08 [14]

71. 08-22280-D-13L KAREN WILLIAMS
EJS #2
HEARING - MOTION
TO CONFIRM SECOND AMENDED
CHAPTER 13 PLAN
11-14-08 [79]

This case was dismissed on December 23, 2008. As a result the motion will be denied by minute order as moot. No appearance is necessary.

72. 08-22280-D-13L KAREN WILLIAMS
EJS #3
HEARING - MOTION TO
DETERMINE VALUE OF COLLATERAL
OF WELLS FARGO BANK, N.A.
11-14-08 [85]

This case was dismissed on December 23, 2008. As a result the motion will be denied by minute order as moot. No appearance is necessary.

73. 08-30681-D-13L ANN CRAWLEY
MAA #4
HEARING - MOTION TO
CONFIRM SECOND AMENDED
CHAPTER 13 PLAN
11-18-08 [44]

The relief requested in the motion is supported by the record and no timely opposition to the motion has been filed. Accordingly, the court will grant the motion by minute order and no appearance is necessary. The moving party is to lodge an order confirming the plan, amended plan, or modification to plan, and shall use the form of order which is attached as Exhibit 2 to General Order 05-03. The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

74. 06-25282-D-13L MILTON/MARIAN HUNTER
PGM #1
HEARING - MOTION
TO MODIFY CHAPTER 13 PLAN
AFTER CONFIRMATION
12-3-08 [36]

75. 07-29583-D-13L EDGAR/PAMELA AYO
EJS #4
HEARING - MOTION
TO MODIFY CHAPTER 13 PLAN
11-10-08 [65]

76. 08-25484-D-13L LINDA CORTEZ
CYB #3
HEARING - MOTION
TO VALUE COLLATERAL OF
ETRADE BANK
12-1-08 [60]

The motion is denied without prejudice. Secured creditor, Etrade Bank is an insured depository institution. FRBP 7004(h) requires service on an insured depository institution by certified mail. The creditor was not served by certified mail and as such service is defective. As a result the court will deny the motion by minute order. No appearance is necessary.

77. 07-30385-D-13L KEVIN/SHERRIE FLOYD
NLE #3
HEARING - OBJECTION
TO CLAIM NO. 15 OF ECAST
SETTLEMENT CORPORATION
11-10-08 [116]

The matter is resolved without oral argument. The court's record indicates that no timely opposition/response has been filed and the objection is supported by the record. Accordingly, the court will issue a minute order sustaining the trustee's objection to claim. No appearance is necessary.

78. 07-30385-D-13L KEVIN/SHERRIE FLOYD HEARING - OBJECTION
NLE #4 TO CLAIM NO. 14 OF ECAST
SETTLEMENT CORPORATION
11-10-08 [112]

The matter is resolved without oral argument. The court's record indicates that no timely opposition/response has been filed and the objection is supported by the record. Accordingly, the court will issue a minute order sustaining the trustee's objection to claim. No appearance is necessary.

79. 08-33985-D-13L ADAM/DAWN WATKINS HEARING - MOTION
JT #1 TO VALUE COLLATERAL OF
COUNTRYWIDE HOME LOANS
12-1-08 [33]

This case was dismissed on December 14, 2008. As a result the motion will be denied by minute order as moot. No appearance is necessary.

80. 08-33985-D-13L ADAM/DAWN WATKINS HEARING - MOTION
JT #2 TO VALUE COLLATERAL OF
FORD MOTOR CREDIT
12-1-08 [25]

This case was dismissed on December 14, 2008. As a result the motion will be denied by minute order as moot. No appearance is necessary.

81. 08-33985-D-13L ADAM/DAWN WATKINS HEARING - MOTION
JT #3 TO VALUE COLLATERAL OF
TRAVIS CREDIT UNION
12-1-08 [29]

This case was dismissed on December 14, 2008. As a result the motion will be denied by minute order as moot. No appearance is necessary.

82. 08-30687-D-13L BRAD DRIGGERS AND HEARING - DEBTORS' MOTION
JB #2 ELENA CHIECCHI FOR CONFIRMATION OF FIRST
AMENDED CHAPTER 13 PLAN
11-20-08 [33]

The motion is denied for the following reasons: (1) the moving parties failed to serve the creditors filing Claim Nos. 5, 9, 10, and 11 at the addresses on their proofs of claim as required by FRBP 2002(g); and (2) the moving parties failed to serve HSBC Auto Finance, listed in their D-schedule. For these reasons the court will deny the motion by minute order. No appearance is necessary.

83. 08-35589-D-13L ANDRE/VONETTA HUDDLESTON HEARING - TRUSTEE'S
NLE #1 OBJECTION TO CONFIRMATION OF
PLAN AND MOTION TO DISMISS
12-9-08 [22]

84. 08-24090-D-13L MATTHEW LOFTON AND HEARING - MOTION TO
PGM #2 DEEDA MENDOZA MODIFY CHAPTER 13 PLAN
AFTER CONFIRMATION
11-26-08 [30]

The relief requested in the motion is supported by the record and no timely opposition to the motion has been filed. Accordingly, the court will grant the motion by minute order and no appearance is necessary. The moving party is to lodge an order confirming the plan, amended plan, or modification to plan, and shall use the form of order which is attached as Exhibit 2 to General Order 05-03. The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

85. 08-20292-D-13L VERN/BRENDA TAYLOR HEARING - MOTION
MWB #2 FOR ORDER AUTHORIZING
SALE OF PROPERTY
12-8-08 [54]

86. 04-21694-D-13L MICHAEL CARROLL
AJP #3

HEARING - MOTION FOR
CONFIRMATION OF MODIFICATION
RE: SECOND AMENDED CHAPTER 13
PLAN
11-24-08 [57]

The motion is denied for the following reasons: (1) the moving party served the notice of hearing, motion, and declaration, but not the plan itself, contrary to GO.05-03, para. 8(b); (2) the notice of hearing, motion, and declaration all refer to a second amended plan. However, there is no plan on file with that title. The plan that is the subject of this motion is entitled simply Chapter 13 Plan; and (3) the declaration addresses feasibility, best effort, and the liquidation test, but does not address all the confirmation requirements in Bankruptcy Code § 1325(a). It is necessary the moving party submit competent evidence to enable the court to make findings that the plan, or plan modification, meets all the requirements in Bankruptcy Code § 1325(a). For these reasons the court will deny the motion by minute order. No appearance is necessary.

87. 08-23894-D-13L THOMAS/MARIAM KONIECZNY
WSS #2

HEARING - MOTION
FOR CONFIRMATION OF PLAN
11-24-08 [80]

The relief requested in the motion is supported by the record and no timely opposition to the motion has been filed. Accordingly, the court will grant the motion by minute order and no appearance is necessary. The moving party is to lodge an order confirming the plan, amended plan, or modification to plan, and shall use the form of order which is attached as Exhibit 2 to General Order 05-03. The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

88. 08-33294-D-13L LEO/SHARONE PACLIBAR
SAC #1

HEARING - OBJECTION
TO PROOF OF CLAIM OF
BENEFICIAL
11-13-08 [18]

The matter is resolved without oral argument. The court's record indicates that no timely opposition/response has been filed and the objection is supported by the record. Accordingly, the court will issue a minute order sustaining the trustee's objection to claim. No appearance is necessary.

89. 08-35794-D-13L BURNETT/KEM WILLIAMS HEARING - OBJECTION
NLE #1 TO CONFIRMATION OF PLAN
BY TRUSTEE
12-9-08 [15]

90. 04-26796-D-13L JUDITH HOEPKER HEARING - MOTION
SDB #3 TO MODIFY CHAPTER 13 PLAN
AFTER CONFIRMATION
11-25-08 [41]

The relief requested in the motion is supported by the record and no timely opposition to the motion has been filed. Accordingly, the court will grant the motion by minute order and no appearance is necessary. The moving party is to lodge an order confirming the plan, amended plan, or modification to plan, and shall use the form of order which is attached as Exhibit 2 to General Order 05-03. The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

91. 08-34996-D-13L PAVEL/TATYANA GAPCHENKO HEARING - MOTION
PGM #1 TO VALUE COLLATERAL OF
BANK OF AMERICA
12-5-08 [28]

The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed and the relief requested in the motion is supported by the record. As such the court will grant the motion and, for purposes of this motion only, set the amount of the creditor's secured claim at \$0.00. Moving party is to submit an appropriate order which provides that the creditor's secured claim is valued at \$0.00. No further relief is being afforded. No appearance is necessary.

92. 05-24097-D-13L CLAUDIA O'CONNELL HEARING - MOTION
MWB #2 APPROVING REFINANCE OF
PROPERTY (REVERSE MORTGAGE)
12-4-08 [46]

The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed and the relief requested in the motion is supported by the record. As such the court will grant the motion. Moving party is to submit an appropriate order. No appearance is necessary.

93. 07-25398-D-13L DONNA LOGALBO
EJS #4

HEARING - MOTION
TO MODIFY CHAPTER 13 PLAN
11-19-08 [76]

The relief requested in the motion is supported by the record and no timely opposition to the motion has been filed. Accordingly, the court will grant the motion by minute order and no appearance is necessary. The moving party is to lodge an order confirming the plan, amended plan, or modification to plan, and shall use the form of order which is attached as Exhibit 2 to General Order 05-03. The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

94. 08-35898-D-13L TODD WILLIAMS
NLE #1

HEARING - TRUSTEE'S
OBJECTION TO CONFIRMATION
AND MOTION TO DISMISS
12-9-08 [19]

95. 08-23603-D-13L GUY/JAMIE LYNN
WW #1

CONT. HEARING - MOTION
TO CONFIRM FIRST AMENDED
CHAPTER 13 PLAN
9-9-08 [75]

96. 08-23603-D-13L GUY/JAMIE LYNN
WW #1

CONT. HEARING - COUNTERMOTION
TO CONVERT CASE TO CHAPTER 7
12-5-08 [95]

97. 08-23603-D-13L GUY/JAMIE LYNN
08-2493
VIOLA HAVILAND, VS.
GUY LYNN, ET AL. CONT. STATUS CONFERENCE
9-2-08 [1]
98. 08-23929-D-13L KEVIN GREEN
JT #2 HEARING - OBJECTIONS TO
PROPOSED AMENDED CHAPTER 13
PLAN AND CONFIRMATION THEREOF
BY COUNTRYWIDE HOME LOANS
SERVICING, L.P.
12-22-08 [46]
99. 08-30948-D-13L JOSE/SYLVIA MONCADA
WGM #1 HEARING - MOTION FOR
RELIEF FROM AUTOMATIC STAY
ON REAL PROPERTY
12-12-08 [48]
JP MORGAN CHASE BANK,
NATIONAL ASSOC., VS.
100. 08-25758-D-13L MILDRED TURNER
TJW #2 HEARING - TRUSTEE'S
COUNTER MOTION TO DISMISS
12-19-08 [60]

101. 08-33773-D-13L ANGELA/EDWARD HARPER
DGN #1
FORD MOTOR CREDIT CO., VS. HEARING - MOTION FOR
RELIEF FROM AUTOMATIC STAY
12-19-08 [42]
102. 08-33773-D-13L ANGELA/EDWARD HARPER
DGN #2
FORD MOTOR CREDIT CO., VS. HEARING - MOTION FOR
RELIEF FROM AUTOMATIC STAY
12-19-08 [48]
103. 07-30676-D-13L PAUL/JENNIFER KASSON
PD #1
CHASE HOME FINANCE, LLC., VS. HEARING - MOTION FOR
RELIEF FROM AUTOMATIC STAY
12-17-08 [26]
104. 08-27385-D-13L BOBBY/LOIS GWYNN
SAC #3 CONT. HEARING - MOTION
TO CONFIRM FIRST AMENDED
CHAPTER 13 PLAN
9-16-08 [51]