

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Robert S. Bardwil
Bankruptcy Judge
Sacramento, California

May 6, 2009 at 10:00 a.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.	08-31001-D-7	IVAN/VALENTINA LAZARESKU	HEARING - MOTION FOR
	MBB #1		RELIEF FROM AUTOMATIC STAY
	AMERICA'S WHOLESALE		3-27-09 [61]
	LENDER, 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. There will be no further relief afforded. No appearance is necessary.

2.	08-23603-D-7	GUY/JAMIE LYNN	HEARING - TRUSTEE'S
	JRR #4		MOTION TO COMPEL CUSTODIAN
			TO TURN OVER PROPERTY OF THE
			BANKRUPTCY ESTATE
			3-26-09 [146]

3. 07-28805-D-7 EDWARD/JULIA WOLVERTON, VS. HEARING - AMENDED MOTION FOR
CBS #1 ORDER TO AVOID LIEN
NORTH VALLEY BANK 4-1-09 [44]

The motion is denied for the following reasons: Secured creditor, North Valley Bank, is an insured depository institution. FRBP 7004(h) requires service on an insured depository institution by certified mail addressed to an officer. The creditor was not served by certified mail and addressed to an officer of the institution, as such service is defective; and, on aside, the proof of service was filed nine days after the motion was filed, rather than within three calendar days, as required by LBR 9014-1(e) (2). For these reasons the court will deny the motion by minute order. No appearance is necessary.

4. 07-28805-D-7 EDWARD/JULIA WOLVERTON, VS. HEARING - AMENDED MOTION
CBS #2 TO AVOID LIEN
OLIPHANT FINANCIAL CORP. 4-1-09 [41]

The motion is denied for the following reasons: The moving parties served the creditor only through the law firm and attorney who obtained the judgment and recorded the abstract, whereas there is no evidence the firm or attorney has agreed to accept service of process for the purpose of this motion. The moving parties failed to serve the creditor through an officer, managing or general agent, or agent for service of process, as required by FRBP 7004(b) (3); and, on aside, the proof of service was filed nine days after the motion was filed, rather than within three calendar days, as required by LBR 9014-1(e) (2). For these reasons the court will deny the motion by minute order. No appearance is necessary.

5. 07-28805-D-7 EDWARD/JULIA WOLVERTON, VS. HEARING - AMENDED MOTION
CBS #3 FOR ORDER TO AVOID LIEN
CALIFORNIA SERVICE BUREAU 4-1-09 [38]

The motion is denied for the following reasons: The moving parties served the creditor only through the attorney who obtained the judgment and recorded the abstract, whereas there is no evidence the attorney has agreed to accept service of process for the purpose of this motion. The moving parties failed to serve the creditor through an officer, managing or general agent, or agent for service of process, as required by FRBP 7004(b) (3); and, on aside, the proof of service was filed nine days after the motion was filed, rather than within three calendar days, as required by LBR 9014-1(e) (2). For these reasons the court will deny the motion by minute order. No appearance is necessary.

6. 09-20105-D-7 JOSE GARCIA CONT. HEARING - ORDER
TO SHOW CAUSE RE DISMISSAL
OF CASE OR IMPOSITION OF
SANCTIONS
3-9-09 [14]

The deficiency has been corrected. As a result the court will issue a minute order discharging the order to show cause and the case will remain open. No appearance is necessary.

7. 09-22509-D-7 ALBERT BRAUN HEARING - ORDER
TO SHOW CAUSE RE DISMISSAL
OF CASE OR IMPOSITION OF
SANCTIONS
4-8-09 [12]

8. 08-33310-D-7 RICKI WALKER HEARING - MOTION FOR
ASW #1 RELIEF FROM AUTOMATIC STAY
COUNTRYWIDE HOME LOANS 3-27-09 [78]
SERVICING, L.P., 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. There will be no further relief afforded. No appearance is necessary.

9. 09-23318-D-7 BRENT BAILEY HEARING - MOTION FOR
JHW #1 RELIEF FROM AUTOMATIC STAY
DAIMLER TRUST, VS. 4-1-09 [9]

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. As the debtor's Statement of Intentions indicates he will surrender the property, the court will also waive FRBP 4001(a) (3) by minute order. There will be no further relief afforded. No appearance is necessary.

10. 09-24331-D-11 TONY/GLORIA CHARONDO STATUS CONFERENCE
3-13-09 [1]
11. 09-21434-D-7 ERIC OLSON HEARING - ORDER
TO SHOW CAUSE RE DISMISSAL
OF CASE OR IMPOSITION OF
SANCTIONS
4-2-09 [30]
12. 09-22840-D-7 JATINDER/NARINDER MATHARU HEARING - MOTION FOR
PD #1 RELIEF FROM AUTOMATIC STAY
WELLS FARGO HOME 3-31-09 [18]
MORTGAGE, INC., 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. There will be no further relief afforded. No appearance is necessary.

13. 09-24547-D-7 LAURENCE/JOYCE NICHOLSON HEARING - MOTION FOR
TJS #1 RELIEF FROM AUTOMATIC STAY
E-LOAN, VS. 4-8-09 [9]

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. As the debtors' Statement of Intentions indicates they will surrender the property, the court will also waive FRBP 4001(a)(3) by minute order. There will be no further relief afforded. No appearance is necessary.

14. 08-32550-D-11 LUIS AQUINO STATUS CONFERENCE
9-4-08 [1]

15. 09-20451-D-7 HIPOLITO VAZQUEZ HEARING - MOTION FOR
JHW #1 RELIEF FROM AUTOMATIC STAY
CHRYSLER FINANCIAL 4-7-09 [13]
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 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.

16. 09-24154-D-7 RODNEY PETERSON HEARING - MOTION FOR
EAT #1 RELIEF FROM AUTOMATIC STAY
BANK OF AMERICA, N.A., VS. 3-30-09 [8]

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.

17. 09-22955-D-7 REBA HALVERSON-DISTLER HEARING - MOTION FOR
PD #1 RELIEF FROM AUTOMATIC STAY
BANK OF AMERICA 4-7-09 [16]
MORTGAGE, 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. There will be no further relief afforded. No appearance is necessary.

18. 09-22456-D-7 EDNA VALERA HEARING - MOTION FOR
EAT #1 RELIEF FROM AUTOMATIC STAY
INDYMAC FEDERAL BANK, FSB, VS. 4-6-09 [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 relief from stay. As the debtor's Statement of Intentions indicates she will surrender the property, the court will also waive FRBP 4001(a)(3) by minute order. There will be no further relief afforded. No appearance is necessary.

19. 08-31464-D-7 TERRY CAMPBELL HEARING - ORDER
TO SHOW CAUSE RE DISMISSAL
OF CASE OR IMPOSITION OF
SANCTIONS
3-23-09 [51]

The deficiency has been corrected. As a result the court will issue a minute order discharging the order to show cause and the case will remain open. No appearance is necessary.

20. 08-28865-D-7 GILBERT/JANET SALGADO HEARING - MOTION FOR
PD #1 RELIEF FROM AUTOMATIC STAY
EMC MORTGAGE CO., VS. 4-3-09 [64]

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.

21. 07-30370-D-7 STEVEN/LEAH KIDWELL HEARING - MOTION FOR
JHW #1 RELIEF FROM AUTOMATIC STAY
CHRYSLER FINANCIAL SERVICES 4-3-09 [45]
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.

22.	09-23272-D-7	PAULA MAYFIELD	HEARING - ORDER TO SHOW CAUSE RE DISMISSAL OF CASE OR IMPOSITION OF SANCTIONS 4-8-09 [13]
23.	09-26489-D-11	RIVAGE MARINA, LLC	STATUS CONFERENCE 4-7-09 [1]
24.	09-26096-D-11	TOP NOTCH LIMOUSINE AND EXECUTIVE SERVICES	STATUS CONFERENCE 4-2-09 [1]
25.	08-23603-D-7 JRR #5	GUY/JAMIE LYNN	HEARING - TRUSTEE'S MOTION FOR EXTENSION OF TIME FOR FILING A COMPLAINT OBJECTING TO DEBTORS' DISCHARGE 4-20-09 [156]

26. 08-24733-D-11 LANNY/DEBORAH TOBE HEARING - MOTION FOR
KAT #1 RELIEF FROM AUTOMATIC STAY
DEUTSCHE BANK 4-14-09 [103]
NATIONAL TRUST CO., VS.

27. 09-21434-D-7 ERIC OLSON HEARING - MOTION FOR
PD #1 RELIEF FROM AUTOMATIC STAY
AMERICA'S SERVICING 4-13-09 [41]
COMPANY, VS.

28. 08-36461-D-7 ALBERTA KUNTZ HEARING - ORDER
TO SHOW CAUSE RE DISMISSAL
OF CASE OR IMPOSITION OF
SANCTIONS
4-13-09 [36]

The deficiency has been corrected. As a result the court will issue a minute order discharging the order to show cause and the case will remain open. No appearance is necessary.

29. 09-21792-D-11 WESTERN PIPELINE, INC. CONT. HEARING - DEBTOR'S MOTION
FWP #6 FOR ORDER APPROVING USE OF
CASH COLLATERAL AND GRANTING
REPLACEMENT LIEN AS ADEQUATE
PROTECTION
4-7-09 [65]

30. 09-21792-D-11 WESTERN PIPELINE, INC.
FWP #7

HEARING - DEBTOR'S
MOTION FOR ORDER AUTHORIZING
DIRECT PAYMENT BY JOB OWNER TO
DEBTOR'S SUPPLIERS TO OBTAIN
LIEN RELEASES
4-15-09 [71]