

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Robert S. Bardwil
Bankruptcy Judge
Sacramento, California

August 11, 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. 09-26800-D-13L JAE CHOI AND KI HYUN CONT. HEARING - EMERGENCY
KY #3 MOTION FOR ORDER AUTHORIZING
THE USE OF CASH COLLATERAL
7-3-09 [79]

2. 09-30000-D-13L PHILLIP/KIMBERLY LEE HEARING - DEBTORS'
BSJ #2 MOTION TO VALUE COLLATERAL
OF CITIMORTGAGE, INC.
6-26-09 [18]

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.

3. [09-32700](#)-D-13L JOSE SANCHEZ HEARING - MOTION FOR
TJS #1 RELIEF FROM AUTOMATIC STAY
JP MORGAN CHASE BANK, N.A., VS. 7-15-09 [[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 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.

4. [08-25503](#)-D-13L GEORGE ONINSKI HEARING - DEBTOR'S
RHM #7 MOTION FOR DISCHARGE
6-22-09 [[107](#)]

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.

5. [09-28906](#)-D-13L ROSCOE MARTIN HEARING - OBJECTION
MWP #1 TO CONFIRMATION OF CHAPTER 13
PLAN AND OBJECTION TO MOTION
TO AVOID LIEN AND TO VALUE
REAL PROPERTY BY AMKAI
INCORPORATED
7-10-09 [[44](#)]

Objection overruled as moot. Debtors filed an amended plan on July 27, 2009. As a result the court will overrule the objection without prejudice by minute order. No appearance is necessary.

6. [09-31506](#)-D-13L JUAN AVALOS AND
MMN #1 LUZ MENDOZA

HEARING - MOTION TO
VALUE COLLATERAL OF
CITIFINANCIAL
7-15-09 [[18](#)]

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.

7. [09-20508](#)-D-13L ANNEETTEE VAN SKIKE
CAH #1

HEARING - MOTION
TO CONFIRM DEBTOR'S THIRD
AMENDED CHAPTER 13 PLAN
6-26-09 [[53](#)]

8. [09-28208](#)-D-13L IVORY ANDERSON
SJS #1

HEARING - DEBTOR'S
MOTION TO VALUE COLLATERAL AND
AVOID JUNIOR LIEN - 2ND MORTGAGE
7-6-09 [[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.

9. [08-36409](#)-D-13L MICHAEL/DIANNA THOMPSON HEARING - TRUSTEE'S
NLE #1 OBJECTION TO CLAIM OF
CITIMORTGAGE, INC.
6-24-09 [[35](#)]

The matter is resolved without oral argument. The court's record indicates that no timely opposition/response to the objection 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 as to the arrearage portion of the claim. No appearance is necessary.

10. [08-38110](#)-D-13L RACHEL SCHERBENSKE CONT. HEARING - MOTION
PGM #1 TO CONFIRM DEBTOR'S SECOND
AMENDED PLAN
4-6-09 [[77](#)]

11. [08-21911](#)-D-13L JENNIFER MATTHEWS CONT. HEARING - DEBTOR'S FIRST
CC #1 MODIFIED CHAPTER 13 PLAN
4-15-09 [[67](#)]

12. [09-31111](#)-D-13L PRISCILLA WHEELER HEARING - MOTION FOR
JMS #1 RELIEF FROM AUTOMATIC STAY
WELLS FARGO BANK, N.A., VS. 7-13-09 [[19](#)]

This case was dismissed on July 17, 2009. As a result the motion will be denied by minute order as moot. No appearance is necessary.

13. [09-28712](#)-D-13L HARRISON THURMAN HEARING - MOTION TO
PGM #2 VALUE COLLATERAL OF WELLS
FARGO BANK/WELLS FARGO AUTO
FINANCE
7-14-09 [[23](#)]

Tentative Ruling: The court is inclined to deny the motion because the debtor has failed to file the information required under Bankruptcy Code §521(a)(1) within 45 days of the petition date. The consequence for failing to file this information is automatic dismissal effective on the 46th day following the petition date (the 46th day is June 16, 2009). As such the case has been dismissed under § 521(I). The court will hear the matter.

14. [09-27714](#)-D-13L KENNETH STRAUCH CONT. HEARING - OBJECTION
SW #1 TO CONFIRMATION OF PLAN AND
COLLATERAL VALUATION MOTION
OF WACHOVIA DEALER SERVICES
6-3-09 [[15](#)]

15. [09-30314](#)-D-13L DOROTHY LIRIO-CASA HEARING - TRUSTEE'S
NLE #2 OBJECTION TO EXEMPTIONS
7-15-09 [[27](#)]

16. [09-27823](#)-D-13L BRUCE MILLER AND CONT. HEARING - OBJECTION
APN #1 LISA SWANSON TO CONFIRMATION OF CHAPTER 13
PLAN AND TO THE MOTION TO
VALUE COLLATERAL BY WELLS
FARGO FINANCIAL
5-29-09 [[15](#)]

17. [08-26524](#)-D-13L JOHN/DIANE GREENE
DKC #8

CONT. HEARING - MOTION TO
CONFIRM THIRD AMENDED PLAN
5-22-09 [[168](#)]

THE COURT WILL NOT CALL THIS MATTER BEFORE 1:45 P.M.

Tentative Ruling: The court is disposed to deny the motion for the following reasons: (1) the plan does not comply with § 1325(a)(5)(C), as this subsection requires a surrender of all of the collateral (the court agrees with the analysis in In re Williams); (2) the plan does not comply with § 1325(b)(5)(B)(iii), as this section requires equal monthly payments once payments begin (the court agrees with the analysis in In re Blevins); and (3) the debtors have not carried their burden to demonstrate the plan is feasible. The court will hear the matter.

18. [08-26524](#)-D-13L JOHN/DIANE GREENE
DKC #8
THOMS POLK, VS.

CONT. HEARING - COUNTER
MOTION FOR CONVERSION TO
CHAPTER 7 OR IN THE ALTERNATIVE
FOR RELIEF FROM AUTOMATIC STAY
6-23-09 [[176](#)]

THE COURT WILL NOT CALL THIS MATTER BEFORE 1:45 P.M.

Tentative Ruling: The court is disposed to grant the motion for cause, and either convert the case or grant relief from stay. Cause includes, but is not limited to, debtors' inability to confirm a plan. The court will hear the matter.

19. [07-24626](#)-D-13L PAMELA JACKSON
CYB #1

HEARING - MOTION
TO MODIFY CHAPTER 13 PLAN
AFTER CONFIRMATION
6-25-09 [[24](#)]

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.

20. [09-27726](#)-D-13L JEROME/DOREY BATTLE
TJS #1
CONT. HEARING - OBJECTION TO
CONFIRMATION OF CHAPTER 13
PLAN BY JP MORGAN CHASE BANK
5-12-09 [[16](#)]
21. [09-27726](#)-D-13L JEROME/DOREY BATTLE
NLE #1
CONT. HEARING - OBJECTION
TO CONFIRMATION OF PLAN
BY TRUSTEE
6-4-09 [[25](#)]
22. [09-31829](#)-D-13L SANDRA GARNICA
PPR #1
FIRST FRANKLIN FINANCIAL
CORPORATION, VS.
HEARING - MOTION FOR
RELIEF FROM AUTOMATIC STAY
7-13-09 [[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 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.

23. [09-31030](#)-D-13L GEORGE/KATHARINE KARYSZYN
RCO #1
SACRAMENTO DISTRICT POSTAL
EMPLOYEES CREDIT UNION, VS.
HEARING - MOTION FOR
RELIEF FROM AUTOMATIC STAY
7-14-09 [[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 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.

24. [08-29032](#)-D-13L DOREL/MIHAELA GHERMAN
WW #2

HEARING - MOTION
TO CONFIRM FIRST MODIFIED
CHAPTER 13 PLAN
7-1-09 [[64](#)]

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.

25. [09-21533](#)-D-13L DIONICIO/SARA PINEDA
MOH #6

HEARING - DEBTOR'S
MOTION TO CONFIRM
CHAPTER 13 PLAN
6-29-09 [[44](#)]

The plan contains two Attachments M-3 - motions to value the secured claims of American General Finance and Ashley Furniture Homestores; however (1) the Debtors' stand-alone motions to value these creditors' claims were previously denied and have not been renewed; (2) the notice and motion do not provide these creditors with the type of notice that would have been required had the Debtors proceeded under GO.05-03, para. 3(b), or any similar notice sufficient to inform the creditors of the relief sought against them, and (3) the creditors were not served to the attention of an officer, managing or general agent, or agent for service, as required by FRBP 7004(b)(3). For these reasons the court will deny the motion by minute order. No appearance is necessary.

26. [09-28834](#)-D-13L NANCY/MAURICE GEDDIS
CAH #1

HEARING - MOTION
TO CONFIRM FIRST AMENDED
CHAPTER 13 PLAN
7-1-09 [[22](#)]

Tentative Ruling: The court is inclined to deny the motion because the feasibility of the plan depends on the court valuing the second position deed of trust of Wells Fargo Bank at \$0 and this motion has been denied (See calendar item no. 27.). The court will hear the matter.

27. [09-28834](#)-D-13L NANCY/MAURICE GEDDIS
CAH #2

HEARING - MOTION
TO VALUE COLLATERAL OF
WELLS FARGO BANK NA
7-1-09 [[25](#)]

The motion is denied without prejudice. Secured creditor, Wells Fargo Bank, NA, 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. As a result the court will deny the motion by minute order. No appearance is necessary.

28. [09-28834](#)-D-13L NANCY/MAURICE GEDDIS
CAH #3

HEARING - MOTION
TO VALUE COLLATERAL OF AMERICAN
GENERAL FINANCE SERVICES
7-1-09 [[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. Moving party is to submit an appropriate order. No appearance is necessary.

29. [09-29835](#)-D-13L JENNIFER BOUCK
CJY #2

HEARING - MOTION
TO CONFIRM CHAPTER 13 PLAN
7-1-09 [[19](#)]

The motion is denied without prejudice. The plan fails to provide for the claim of Washington Mutual, secured by the second deed of trust on the debtor's residence. Thus, the plan provision modifies the rights of the secured creditor, contrary to 11 U.S.C. § 1322(b)(2), and the plan is not confirmable. For the above reasons the court will deny the motion by minute order. No appearance is necessary.

30. [09-29337](#)-D-13L LILIAN MOORE HEARING - MOTION TO
PGM #1 CONFIRM DEBTOR'S FIRST
AMENDED PLAN
6-29-09 [[32](#)]

The hearing is continued to September 15, 2009 at 1:00 p.m. to be heard with debtor's motion to value collateral. No appearance is necessary.

31. [09-21740](#)-D-13L ANTHONY GODINA CONT. HEARING - MOTION
PGM #1 TO CONFIRM DEBTOR'S
FIRST AMENDED PLAN
3-20-09 [[14](#)]

The plan has been confirmed by order entered July 24, 2009. Accordingly, the matter is removed from calendar as moot.

32. [08-34642](#)-D-13L RUDY/DIANIRA SOTO HEARING - TRUSTEE'S
NLE #3 OBJECTION TO CLAIM OF SCHOOLS
FEDERAL CREDIT UNION
6-24-09 [[74](#)]

The matter is resolved without oral argument. The court's record indicates that no timely opposition/response to the objection 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.

33. [09-29342](#)-D-13L MANUEL/SHANNON SOUZA CONT. HEARING - DEBTORS' MOTION
SDB #2 FOR ORDER VALUING COLLATERAL
OF TRAVIS FEDERAL CREDIT UNION
6-9-09 [[17](#)]

The matter is resolved without oral argument. The court's records indicate that Travis Credit Union has withdrawn its opposition and that no other 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.

34. [07-26446](#)-D-13L WESLEY/JULIE SMITH HEARING - OBJECTION
NLE #5 TO CLAIM NO. 36 OF ACCREDITED
HOME LENDERS INC
6-26-09 [[120](#)]

The matter is resolved without oral argument. The court's record indicates that no timely opposition/response to the objection 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 as to the arrearage portion of the claim. No appearance is necessary.

35. [07-26446](#)-D-13L WESLEY/JULIE SMITH HEARING - OBJECTION
NLE #6 TO CLAIM NO. 38 OF GREAT
LAKES HIGHER EDUCATION
6-26-09 [[116](#)]

The matter is resolved without oral argument. The court's record indicates that no timely opposition/response to the objection 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.

36. [09-27149](#)-D-13L PHILLIP/KAREN WHITE CONT. HEARING - OBJECTION
SW #1 TO CONFIRMATION OF PLAN AND
COLLATERAL VALUATION MOTION
OF GMAC
6-8-09 [[22](#)]

Objection withdrawn by moving party. Matter removed from calendar.

37. [09-30950](#)-D-13L TODD LEVITT HEARING - MOTION
ADS #1 TO VALUE COLLATERAL OF
USAA FEDERAL SAVINGS BANK
7-8-09 [[20](#)]

38. [09-25152](#)-D-13L SCOTT/REBECCA GORDON, VS. CONT. HEARING - DEBTORS'
WELLS FARGO BANK, N.A. MOTION TO VALUE COLLATERAL
AND AVOID JUNIOR LIEN -
SECOND MORTGAGE
5-5-09 [[17](#)]

39. [08-38554](#)-D-13L TROY/ALMA LEAVITT CONT. HEARING - MOTION
ADR #1 TO CONFIRM CHAPTER 13 PLAN
5-22-09 [[38](#)]

Plan confirmed by order dated July 24, 2009. Accordingly, the matter is removed from calendar as moot. No appearance is necessary.

40. [09-30454](#)-D-13L RONALD/JULIA SHORT HEARING - OBJECTION
NLE #1 TO CONFIRMATION OF PLAN
BY TRUSTEE
7-15-09 [[17](#)]

Objection withdrawn by moving party. Matter removed from calendar.

41. [09-33255](#)-D-13L KIRK KOHLER HEARING - MOTION TO
PLG #1 VALUE COLLATERAL OF BANK
OF AMERICA, N.A.
7-7-09 [[10](#)]

The moving papers are too confusing to provide adequate notice to the creditor of the relief sought. Specifically, the motion states in ¶ 1 that the Debtor values the collateral at \$155,000, but in ¶ 4 that he values the property at \$260,000. The motion states in ¶ 2 that the amount of the first deed of trust is \$174,000, but in ¶ 5, \$185,000. Both the motion and supporting declaration state that the total of unavoidable liens is \$292,000, which is the total of the amounts of the first and second, as listed in the declaration. For these reasons the court will deny the motion by minute order. No appearance is necessary.

42. [09-34557](#)-D-13L DAVID MELENDEZ, JR., VS. HEARING - MOTION
WACHOVIA BANK TO AVOID LIEN
7-14-09 [[8](#)]

The motion is denied for the following reasons: (1) There is no evidence of service on file; thus, it cannot be determined whether the motion was served in accordance with the appropriate subdivision of FRBP 7004 and with the appropriate amount of notice; (2) the moving papers are a confusing hybrid of the notice procedure of LBR 9014-1(f), in that the notice provides a hearing date and time, and the notice of opportunity for hearing procedure of LBR 9014-1(k), which is permitted only under the provisions of GO.05-03; however, the notice fails to follow the format of either GO.05-03, para. 3(b) or of LBR 9014-1(d)(1), (d)(3), and (f)(1)(ii); (3) the notice incorrectly states that written objections must be filed and served not later than 28 days after service of the notice, rather than at least 14 calendar days prior to the hearing date, as provided in LBR 9014-1(f)(1); (4) the motion is unclear as to the party against whom relief is sought, in that it refers to HFC as holding the junior mortgage and Wachovia Bank as holding the senior mortgage, but later, refers to Wachovia as holding the junior lien; and (5) the motion fails to give adequate notice of the nature of the relief sought, in that it is entitled a motion to avoid a lien, but it cites 11 U.S.C. § 506 and FRBP 3012, which govern valuation of secured claims. For these reasons the court will deny the motion by minute order. No appearance is necessary.

43. [09-27059](#)-D-13L BRYON/OLETA VAN NESS HEARING - MOTION TO
DEF #1 CONFIRM FIRST AMENDED
CHAPTER 13 PLAN
6-30-09 [[33](#)]

The hearing is continued to September 15, 2009 at 1:00 p.m. to be heard with the motions to value collateral of G.E. Money Bank and Travis Credit Union. No appearance is necessary.

44. [09-27160](#)-D-13L ANTONIA MITCHELL HEARING - TRUSTEE'S
NLE #1 OBJECTION TO CLAIM OF
WILLIAM PERKINS
6-24-09 [[23](#)]

The matter is resolved without oral argument. The court's record indicates that no timely opposition/response to the objection 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 as to priority status only. No appearance is necessary.

45. [09-32061](#)-D-13L ROBERT/KATHLEEN ASH
KAR #1

HEARING - MOTION
FOR ORDER VALUING COLLATERAL OF
ONEWEST BANK, FSB AS SUCCESSOR
BY ACQUISITION OF INDYMAC
FEDERAL BANK
7-1-09 [[17](#)]

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.

46. [09-32061](#)-D-13L ROBERT/KATHLEEN ASH
KAR #2

HEARING - MOTION
FOR ORDER VALUING COLLATERAL
OF GREENTREE
7-1-09 [[13](#)]

The motion is denied. This creditor's proof of claim indicates that the actual creditor is GE Money Bank. The moving parties filed to serve this creditor by certified mail to the attention of an office, as required by FRBP 7004(h). As a result of this service defect the court will deny the motion by minute order. No appearance is necessary.

47. [09-33762](#)-D-13L YOUNG KIM
MES #1
KANG LEE, VS.

HEARING - MOTION FOR
RELIEF FROM AUTOMATIC STAY
7-13-09 [[7](#)]

48. [08-36066](#)-D-13L JOSE/REBECCA TUZON
NLE #1

HEARING - TRUSTEE'S
OBJECTION TO CLAIM OF
THE BUREAUS, INC.
6-24-09 [[28](#)]

The matter is resolved without oral argument. The court's record indicates that no timely opposition/response to the objection 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.

49. [09-24367](#)-D-13L PATRICIA POWERS
FWK #2
MICHAEL GIRARD, JR., ET AL., VS.

CONT. HEARING - MOTION FOR
ORDER GRANTING RELIEF FROM
THE AUTOMATIC STAY
4-20-09 [[16](#)]

50. [08-26669](#)-D-13L RICHELLE/RHODORA MANUZON

HEARING - MOTION
FOR JUDICIAL APPROVAL OF
MODIFICATION OF CONFIRMED
PLAN AND ACCEPTANCE OF
5TH AMENDED PLAN
6-17-09 [[117](#)]

The motion is denied for the following reasons: (1) the moving parties failed to serve the creditor filing Claim No. 37 at the address on its proof of claim as required by FRBP 2002(g); (2) the motion and documents filed with the motion do not contain a docket control number, as required by LBR 9014-1(c)(1), and the moving parties' counsel has been advised by way of pre-hearing dispositions on at least three prior motions of the requirement to include a docket control number; (3) the notice of hearing incorrectly states the deadline to file timely written opposition as June 30, 2009, just two weeks after the motion was filed; the correct deadline was July 28; (4) the motion and related documents state that the Debtors seek to confirm a fifth amended plan, but the plan filed with the motion is not entitled fifth amended plan and in no other way indicates that it is an amended or modified plan; (5) the day after the motion and plan were filed, the Debtors filed a different plan, this one entitled "5th amended & correct chapter 13 plan;" it cannot be determined from the proofs of service which of the two plans was served or whether both were served; (6) the 5th amended & corrected plan fails to provide adequate notice of the plan terms, in that the length of the plan is not disclosed; and (7) the 5th amended & corrected plan contains an Attachment M-3, motion to value the collateral of HSBC Mortgage Service. However, no separate notice has been given to this creditor under GO.05-03, para. 3(b), the notice of hearing and motion are insufficient to inform this creditor of the relief sought against it, and no stand-alone motion has been filed. Further, this creditor has not been served in accordance with FRBP 7004(b)(3). For these reasons the court will deny the motion by minute order. No appearance is necessary.

51. [09-28869](#)-D-13L JEFFREY/JOANNE HENDER
APN #1

CONT. HEARING - OBJECTION
TO CONFIRMATION OF CHAPTER 13
PLAN AND TO THE MOTIONS TO
VALUE COLLATERAL CONTAINED
BY WELLS FARGO FINANCIAL
6-17-09 [[24](#)]

52. [09-33070](#)-D-13L FRED/TAMMY KLINGER
DBJ #1

HEARING - MOTION
TO VALUE COLLATERAL OF
COUNTRYWIDE BANK
7-6-09 [[8](#)]

The motion is denied for the following reasons: (1) according to its proof of claim, the creditor holding this claim is BAC Home Loans Servicing, L.P. The moving parties failed to serve this creditor in accordance with FRBP 7004(b)(3) or at all; and (2) the moving parties failed to also serve this creditor at the address designated in its special notice request, DN 12. For these service defects the court will deny the motion by minute order. No appearance is necessary.

53. [09-23472](#)-D-13L JOSE/SONYA MARISCAL
HDR #1

HEARING - MOTION
TO CONFIRM AMENDED
CHAPTER 13 PLAN
7-9-09 [[24](#)]

The motion is denied without prejudice. General Order 05-03 requires that when a motion to confirm a plan is filed and set for hearing, that the notice of hearing, motion and plan be served on all creditors. The time for service of the notice, motion and plan is set by General Order 05-03, paragraphs 3 and/or 8 and requires a minimum of 39 days notice. The court record indicates that the plan was served on July 9, 2009, giving only 33 days' notice to creditors. Also, the moving parties failed to serve Purna Baniya, who is listed on their G-schedules. As a result of this service defect the court will deny the motion by minute order. No appearance is necessary.

54. [08-37274](#)-D-13L KENNETH/DIANN MURRAY
WGM #1
DEUTSCHE BANK NATIONAL
TRUST COMPANY, ET AL., VS.

CONT. HEARING - MOTION FOR
RELIEF FROM AUTOMATIC STAY
ON REAL PROPERTY
6-22-09 [[34](#)]

In the debtor's confirmed plan this creditor is scheduled as Class 4 - to be paid outside the plan. Therefore, the motion is unnecessary as the plan explicitly provides: "Entry of the confirmation order shall constitute an order modifying the automatic stay to allow the holder of a Class 4 secured claim to exercise its rights against its collateral in the event of a default under the terms of its loan or security documentation provided this case is pending under chapter 13." As the motion is unnecessary, the court will deny the motion by minute order. No appearance is necessary.

55. [09-25574](#)-D-13L MAISHA WEARY
JME #4

HEARING - MOTION
TO VALUE COLLATERAL OF
AMERICAN GENERAL FINANCE
7-13-09 [[39](#)]

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.

56. [09-33775](#)-D-13L RICHARD/BARBARA KERR
JT #1

HEARING - MOTION
TO VALUE COLLATERAL OF
COUNTRYWIDE HOME LOANS/
BANK OF AMERICA
7-7-09 [[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 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.

57. [08-32076](#)-D-13L GEORGE/PATRICIA FEATHER
WSS #3
CONT. HEARING - MOTION
FOR ORDER ALLOWING ASSUMPTION
AND ASSIGNMENT OF FRANCHISE
AGREEMENT
5-22-09 [[64](#)]
58. [08-32076](#)-D-13L GEORGE/PATRICIA FEATHER
WSS #4
CONT. HEARING - MOTION
FOR ORDER ALLOWING SALE
OF BUSINESS
5-22-09 [[70](#)]
59. [08-32076](#)-D-13L GEORGE/PATRICIA FEATHER
WSS #5
CONT. HEARING - MOTION
FOR CONFIRMATION OF
AMENDED PLAN
5-22-09 [[69](#)]
60. [09-31076](#)-D-13L KATHY STUTESMAN
NLE #1
HEARING - TRUSTEE'S
OBJECTION TO EXEMPTIONS
7-13-09 [[24](#)]

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

61. [08-29677](#)-D-13L ARLISA PARISH
WW #2

CONT. HEARING - MOTION
TO CONFIRM SECOND MODIFIED
CHAPTER 13 PLAN
5-29-09 [[66](#)]

62. [08-29677](#)-D-13L ARLISA PARISH
WW #3

HEARING - MOTION
TO VALUE COLLATERAL
OF BENEFICIAL
7-10-09 [[78](#)]

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.

63. [08-33680](#)-D-13L JUAN/ESTELA PIMENTEL
NLE #3

HEARING - OBJECTION
TO CLAIM NO. 34 OF JEFFERSON
CAPITAL SYSTEMS LLC
6-26-09 [[54](#)]

The matter is resolved without oral argument. The court's record indicates that no timely opposition/response to the objection 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.

64. [09-29580](#)-D-13L SHAWN/JENNIFER KNUTSON
MET #1

HEARING - MOTION FOR
ORDER VALUING COLLATERAL
OF EMC MORTGAGE
7-10-09 [[20](#)]

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.

65. [09-23583](#)-D-13L SCOTT/ANNAMARIE MILLER
MWB #4

HEARING - MOTION
FOR ORDER AUTHORIZING
SALE OF PROPERTY
7-13-09 [[47](#)]

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.

66. [08-30485](#)-D-13L JAIME SINGZON
JRH #2

CONT. HEARING - MOTION
TO CONFIRM THE FIRST
MODIFIED PLAN
5-29-09 [[58](#)]

67. [08-29187](#)-D-13L WILFREDO/ANA NIEVES
NLE #2

HEARING - OBJECTION
CLAIM OF STEVEN BOOSKA, ESQ
6-26-09 [[48](#)]

The matter is resolved without oral argument. The court's record indicates that no timely opposition/response to the objection 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.

68. [09-26888](#)-D-13L WILLIAM/DENISE SMITH
WGM #1

CONT. HEARING - OPPOSITION
TO DEBTOR'S MOTION TO VALUE
COLLATERAL AND OBJECTION TO
CONFIRMATION OF CHAPTER 13 PLAN
BY HSBC MORTGAGE SERVICES
5-28-09 [[15](#)]

69. [09-20393](#)-D-13L KEVIN/KATHARINE WARD
NLE #1

HEARING - TRUSTEE'S
OBJECTION TO CLAIM OF
U.S. BANK N.A.
6-24-09 [[33](#)]

The matter is resolved without oral argument. The court's record indicates that no timely opposition/response to the objection 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.

70. [09-20393](#)-D-13L KEVIN/KATHARINE WARD
NLE #2

HEARING - TRUSTEE'S
OBJECTION TO CLAIM OF
U.S. BANK N.A.
6-24-09 [[37](#)]

The matter is resolved without oral argument. The court's record indicates that no timely opposition/response to the objection 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.

71. [09-24193](#)-D-13L DANIEL/LORI CAMARENA HEARING - DEBTORS'
REY #3 MOTION TO VALUE COLLATERAL
OF WELLS FARGO
6-8-09 [[50](#)]

72. [09-24193](#)-D-13L DANIEL/LORI CAMARENA HEARING - MOTION TO
REY #4 VALUE COLLATERAL OF
SCHOOLS FINANCIAL
6-8-09 [[54](#)]

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.

73. [09-29293](#)-D-13L LARRY EDWARDS AND CONT. HEARING - OBJECTION
NLE #1 JULIA THOMPSON TO CONFIRMATION OF PLAN
BY TRUSTEE
6-24-09 [[13](#)]

Objection withdrawn by moving party. Matter removed from calendar.

74. [09-31797](#)-D-13L ROBERT/LISA WUBBOLDING HEARING - MOTION TO
MWB #1 VALUE COLLATERAL OF SPECIALIZED
LOAN SERVICING AS TO SECOND
DEED OF TRUST
6-29-09 [[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.

75. [09-31499](#)-D-13L TIM/TAMMY SCHILLING HEARING - MOTION FOR
TJS #1 RELIEF FROM AUTOMATIC STAY
JP MORGAN CHASE BANK, N.A. 7-9-09 [[14](#)]
76. [09-31124](#)-D-13L MARCELINO/MILAGROS ESPINELI HEARING - OBJECTION
NLE #1 TO CONFIRMATION OF PLAN
BY TRUSTEE
7-22-09 [[14](#)]
77. [09-32527](#)-D-13L ERIC/STACEY TOLES HEARING - MOTION FOR
ET #1 RELIEF FROM STAY TO PROCEED
DONNA/JAY HUHN, VS. WITH UNLAWFUL DETAINER
PROCEEDING AND TO OBTAIN
POSSESSION OF RESIDENTIAL
REAL PROPERTY
7-27-09 [[14](#)]
78. [09-33929](#)-D-13L MARIBEL/FERMIN RAMIREZ HEARING - MOTION FOR
MDE #1 RELIEF FROM AUTOMATIC STAY
WACHOVIA BANK, N.A., VS. 7-20-09 [[9](#)]

This case was converted to a case under Chapter 7 on July 23, 2009. As a result hearing on the motion will be continued to September 2, 2009 at 10:00 a.m. to allow moving party to served the Chapter 7 trustee. No appearance is necessary.

79. [09-30442](#)-D-13L CRAIG ROBINSON
WGM #1

HEARING - OBJECTION
TO CONFIRMATION OF DEBTOR'S
CHAPTER 13 PLAN BY ONEWEST
BANK, FSB
7-16-09 [[19](#)]

80. [09-30950](#)-D-13L TODD LEVITT
MDE #1

HEARING - OBJECTION
TO CONFIRMATION OF CHAPTER 13
PLAN BY USAA
7-23-09 [[26](#)]

81. [09-29180](#)-D-13L JOAN FEMINO
MOH #1

CONT. HEARING - DEBTOR'S
MOTION TO CONFIRM CHAPTER
13 PLAN
6-16-09 [[14](#)]

The plan contains an Attachment M-3, motion to value the collateral of Butte Federal Credit Union. However, no separate notice has been given to this creditor under GO.05-03, para. 3(b), and the notice of hearing and motion are insufficient to inform this creditor of the relief sought against it. Further, this creditor has not been served in accordance with FRBP 7004(b)(3). Feasibility of the plan depends on the court valuing Butte's secured claim at \$0.00 and, as such, the plan is not feasible. For these reasons the court will deny the motion by minute order. No appearance is necessary.

82. [09-31089](#)-D-13L EVELYN CONTRERAS
NLE #1

HEARING - OBJECTION
TO CONFIRMATION OF PLAN
BY TRUSTEE
7-21-09 [[17](#)]

83. [09-30992](#)-D-13L GINA FAZIL
NLE #2

HEARING - OBJECTION
TO CONFIRMATION OF PLAN
BY TRUSTEE
7-21-09 [[25](#)]