

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Robert S. Bardwil  
Bankruptcy Judge  
Modesto, California

September 17, 2008 at 10:30 a.m.

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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.

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1.	08-91004-D-7 UST #2	JERRY DAVIS	HEARING - UNITED STATES TRUSTEE'S MOTION TO DISMISS CASE FOR ABUSE 8-11-08 [23]
2.	08-91507-D-7	JOSHUA/ANAIDA COOK	HEARING - ORDER TO SHOW CAUSE RE DISMISSAL OF CASE OR IMPOSITION OF SANCTIONS 8-15-08 [9]

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.

3. 08-91707-D-7 RICHARD SIMMONS HEARING - ORDER  
TO SHOW CAUSE RE DISMISSAL  
AND/OR IMPOSITION OF SANCTIONS  
FOR FAILURE TO TENDER FEES OR  
AN APPLICATION TO PAY FEES IN  
INSTALLMENTS WITH BANKRUPTCY  
PETITION  
8-20-08 [7]

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.

4. 08-91410-D-7 STEVEN READER HEARING - MOTION FOR  
WGM #1 RELIEF FROM AUTOMATIC STAY  
PHH MORTGAGE, VS. ON REAL PROPERTY  
8-20-08 [17]

The matter is resolved without oral argument. This motion was noticed under LBR 9014-1(f) (2). However, the debtor's Statement of Intentions indicates he intends to surrender the collateral and the trustee has filed a Report of No Assets. Accordingly, the court finds a hearing is not necessary and will grant relief from stay by minute order. There will be no further relief afforded. No appearance is necessary.

5. 08-91410-D-7 STEVEN READER HEARING - MOTION FOR  
EAT #1 RELIEF FROM AUTOMATIC STAY  
MERRILL LYNCH CREDIT CORPORATION, VS. 8-22-08 [24]

The matter is resolved without oral argument. This motion was noticed under LBR 9014-1(f) (2). However, the debtor's Statement of Intentions indicates he intends to surrender the collateral and the trustee has filed a Report of No Assets. Accordingly, the court finds a hearing is not necessary and will grant relief from stay by minute order. There will be no further relief afforded. No appearance is necessary.

6. 08-91117-D-7 FRANK/RENEE ORTIZ HEARING - MOTION FOR  
MBB #1 RELIEF FROM AUTOMATIC STAY  
MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., VS. 8-8-08 [22]

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.

7. 08-91219-D-7 WARREN RAMSEY HEARING - ORDER  
TO SHOW CAUSE RE DISMISSAL  
OF CASE OR IMPOSITION OF  
SANCTIONS  
8-21-08 [29]

8. 08-91321-D-7 HERIBERTO/IRMA CHAVEZ HEARING - MOTION FOR  
MDE #1 RELIEF FROM AUTOMATIC STAY  
CITIMORTGAGE, INC., VS. 8-11-08 [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 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.

9. 08-90924-D-7 GEORGE/ALEJANDRA KLEIDON HEARING - MOTION  
JHW #1 CONFIRMING TERMINATION OF  
DAIMLERCHRYSLER FINANCIAL THE AUTOMATIC STAY  
SERVICES AMERICAS LLC, VS. 8-15-08 [26]

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.

10. 08-91325-D-7 LUCILA SANCHEZ HEARING - MOTION TO  
CJY #2 COMPEL CHAPTER 7 TRUSTEE TO  
ABANDON PROPERTY OF THE ESTATE

The court record indicates that moving party served only the case trustee and the US Trustee, and failed to serve any creditors, neither at the addresses listed in the schedules, nor at the addresses on filed proofs of claim. Also, the notice of hearing gives the new court address in the caption, but the former address in the text. As such the court will continue the hearing to October 29, 2008 at 10:30 a.m. to allow all creditors of the estate to be served. No appearance is necessary.

11. 08-91427-D-7 SUNN CHOE HEARING - MOTION FOR  
PD #1 RELIEF FROM AUTOMATIC STAY  
BANK OF AMERICA 8-20-08 [13]  
MORTGAGE, ET AL., 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.

12. 08-91529-D-7 ANGELINA LOPEZ HEARING - MOTION TO  
FW #1 ABANDON TRUSTEE'S INTEREST  
IN DEBTOR'S BUSINESS  
8-7-08 [8]

The matter is resolved without oral argument. There is no timely opposition to the debtor's motion to compel trustee to abandon real and personal property and the debtor has demonstrated the property to be abandoned is of inconsequential value to the estate. Accordingly, the motion will be granted and the property that is the subject of the motion will be deemed abandoned by minute order. No appearance is necessary.

13. 08-91331-D-7 MARCIA SIMON HEARING - MOTION FOR  
MBB #1 RELIEF FROM AUTOMATIC STAY  
MORTGAGE ELECTRONIC REGISTRATION 8-20-08 [16]  
SYSTEMS, 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. 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.

14. 08-91533-D-7 SUZANNE NEPTUNE HEARING - ORDER  
TO SHOW CAUSE RE DISMISSAL  
OF CASE OR IMPOSITION OF  
SANCTIONS  
8-19-08 [8]

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.

15. 08-91235-D-7 AZENDA CAMPBELL HEARING - MOTION FOR  
PD #1 RELIEF FROM AUTOMATIC STAY  
NATIONAL CITY MORTGAGE 8-14-08 [14]  
CO., ET AL., 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. 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.

16. 08-91437-D-7 EDWARD/JOANNE HOFF HEARING - MOTION FOR  
PD #1 RELIEF FROM AUTOMATIC STAY  
BANK OF AMERICA, VS. 8-19-08 [11]

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.

17. 08-90942-D-7 VALDEMAR PRADO HEARING - MOTION FOR  
PD #1 RELIEF FROM AUTOMATIC STAY  
WORLD SAVINGS BANK, FSB, VS. 8-11-08 [36]

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.

18. 08-91544-D-7 FRANCISCO/AMALIA PEINADO HEARING - MOTION FOR  
PD #1 RELIEF FROM AUTOMATIC STAY  
WELLS FARGO HOME 8-15-08 [11]  
MORTGAGE, INC., ET AL., 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. 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.

19. 08-91246-D-7 FERNANDO/LORETTA HERNANDEZ HEARING - ORDER  
TO SHOW CAUSE RE DISMISSAL  
OF CASE OR IMPOSITION OF  
SANCTIONS  
8-13-08 [24]

**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. 05-92748-D-7 C. HALBAKKEN, INC. HEARING - TRUSTEE'S  
MGO #10 OBJECTION TO CLAIM NO. 2 OF  
LAURA GREER AND CLAIM NO. 14  
OF DUANE DOWNS  
8-18-08 [201]

21. 08-90952-D-7 MICHAEL/JANETTE TODD HEARING - MOTION FOR  
SW #1 RELIEF FROM AUTOMATIC STAY  
GMAC, VS. 7-31-08 [28]

22. 08-91655-D-7 FRANK/VIRGINIA SALAS HEARING - ORDER  
TO SHOW CAUSE RE DISMISSAL  
OF CASE OR IMPOSITION OF  
SANCTIONS  
8-21-08 [8]

**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.**

23. 08-91156-D-7 BENJAMIN LOPEZ HEARING - ORDER  
TO SHOW CAUSE RE DISMISSAL  
OF CASE OR IMPOSITION OF  
SANCTIONS  
8-19-08 [12]

24. 08-91059-D-7 DENNIS PAXTON HEARING - MOTION FOR  
RELIEF FROM AUTOMATIC STAY  
MBB #1 8-11-08 [15]  
MORTGAGE ELECTRONIC REGISTRATION  
SYSTEMS, 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. 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.**

25. 08-91565-D-11 HCD PROPERTIES, LLC STATUS CONFERENCE  
7-31-08 [1]

26. 08-91565-D-11 HCD PROPERTIES, LLC HEARING - ORDER  
TO SHOW CAUSE RE DISMISSAL,  
CONVERSION OR IMPOSITION OF  
SANCTIONS  
8-20-08 [15]

**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.**



31. 08-91483-D-7 MELVIN/JACQUELINE RILEY HEARING - MOTION FOR  
PD #1 RELIEF FROM AUTOMATIC STAY  
AMERICA'S SERVICING 8-7-08 [18]  
COMPANY, ET AL., 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. 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.

32. 08-91285-D-7 JUAN GODINEZ HEARING - MOTION FOR  
MEA #1 RELIEF FROM AUTOMATIC STAY  
COUNTRYWIDE HOME LOANS, 8-8-08 [19]  
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.

33. 08-91486-D-7 SACRAMENTO/VERONICA HEARING - MOTION FOR  
WGM #1 MARTINEZ RELIEF FROM AUTOMATIC STAY  
HSBC MORTGAGE SERVICES ON REAL PROPERTY  
INC., VS. 8-21-08 [11]

The matter is resolved without oral argument. This motion was noticed under LBR 9014-1(f)(2). However, the debtors' Statement of Intentions indicates they intend to surrender the collateral and the trustee has filed a Report of No Assets. Accordingly, the court finds a hearing is not necessary and will grant relief from stay by minute order. There will be no further relief afforded. No appearance is necessary.

34. 08-91388-D-7 JANEIL BAKER HEARING - MOTION FOR  
ASW #1 RELIEF FROM AUTOMATIC STAY  
MORTGAGE ELECTRONIC REGISTRATION 8-14-08 [23]  
SYSTEMS, 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. 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.

35. 08-90891-D-7 PAUL/DEBRA LANNING HEARING - MOTION  
CWS #3 TO AUTHORIZE SALE OF REAL  
AND PERSONAL PROPERTY  
8-12-08 [26]

36. 08-91492-D-7 DAVID SILVEIRA HEARING - MOTION FOR  
JMS #1 RELIEF FROM AUTOMATIC STAY  
CHASE HOME FINANCE, LLC, VS. 8-18-08 [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 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.

37. 08-91493-D-7 JEROMY/WENDY COLLINS HEARING - MOTION FOR  
APN #1 RELIEF FROM AUTOMATIC STAY  
WELLS FARGO FINANCIAL, VS. 8-15-08 [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. 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.

38. 08-91095-D-7 GIVARGIS/MARY BENJAMIN HEARING - MOTION FOR  
MBB #1 RELIEF FROM AUTOMATIC STAY  
MORTGAGE ELECTRONIC REGISTRATION 8-20-08 [13]  
SYSTEMS, 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. 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.

39. 08-91495-D-7 MIKE BUSH HEARING - MOTION FOR  
WGM #1 RELIEF FROM AUTOMATIC STAY  
PHH MORTGAGE CORP., VS. ON REAL PROPERTY  
8-21-08 [11]

40. 08-90896-D-7 CHARLES/TINA WILLIAMS HEARING - MOTION  
CWS #1 FOR EXTENSION OF TIME FOR  
FILING A COMPLAINT OBJECTING  
TO DISCHARGE  
8-12-08 [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. Moving party is to submit an appropriate order. No appearance is necessary.**

41. 08-91101-D-7 FRANK STANLEY AND HEARING - MOTION FOR  
SF #1 MICHELLE LACY AUTHORITY TO ABANDON REAL  
PROPERTY OF BANKTRUPCY ESTATE  
8-22-08 [45]

42. 08-90705-D-11 ALAN CHENEY & ASSOCIATES CONT. HEARING - DEBTOR'S  
WFH #10 INS. SERVICES-MODESTO, INC. SECOND MOTION FOR AUTHORITY  
TO USE CASH COLLATERAL  
7-31-08 [162]

43. 08-91810-D-7 PATRICK/COURTNEY CLARK HEARING - ORDER  
TO SHOW CAUSE RE DISMISSAL  
AND/OR IMPOSITION OF SANCTIONS  
FOR FAILURE TO TENDER FEES OR  
AN APPLICATION TO PAY FEES IN  
INSTALLMENTS WITH BANKRUPTCY  
PETITION  
8-29-08 [8]
44. 08-91613-D-7 RANDY/MARIE WESTON HEARING - MOTION  
TO COMPEL ABANDONMENT OF  
PROPERTY OF THE ESTATE  
8-29-08 [9]
45. 08-90714-D-7 JAMES WYATT, VS. HEARING - MOTION  
FW #2 TO AVOID LIEN  
DISCOVER BANK 8-5-08 [28]

**The hearing on this motion is continued to October 1, 2008 at 10:30 a.m. No appearance is necessary.**

46. 08-91321-D-7 HERIBERTO/IRMA CHAVEZ HEARING - MOTION FOR  
WGM #1 RELIEF FROM AUTOMATIC STAY  
FLAGSTAR BANK, FSB, VS. ON REAL PROPERTY  
8-22-08 [23]

**The matter is resolved without oral argument. This motion was noticed under LBR 9014-1(f)(2). However, the debtors' Statement of Intentions indicates they intend to surrender the collateral and the trustee has filed a Report of No Assets. Accordingly, the court finds a hearing is not necessary and will grant relief from stay by minute order. There will be no further relief afforded. No appearance is necessary.**

47. 08-91146-D-7 DAVID/KIMBERLY MCCUTCHEON HEARING - MOTION FOR  
SF #5 AUTHORITY TO ABANDON REAL  
PROPERTY OF BANKTRUPCY ESTATE  
8-22-08 [32]
48. 08-90952-D-7 MICHAEL/JANETTE TODD HEARING - MOTION FOR  
RMP #1 RELIEF FROM AUTOMATIC STAY  
DEUTSCHE BANK NATIONAL 8-26-08 [53]  
TRUST COMPANY, ET AL., VS.
49. 08-91464-D-7 MARIO/MARIA LARA HEARING - ORDER  
TO SHOW CAUSE RE DISMISSAL  
OF CASE OR IMPOSITION OF  
SANCTIONS  
8-25-08 [15]
- 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.**
50. 08-90766-D-11 CHENEY & ASSOCIATES INS. CONT. HEARING - DEBTOR'S  
WFH #10 SERVICES, INC. SECOND MOTION FOR AUTHORITY  
TO USE CASH COLLATERAL  
7-31-08 [142]

51. 08-91470-D-7 JESSE/SHIRLEY NICASIO HEARING - MOTION FOR  
MBB #1 RELIEF FROM AUTOMATIC STAY  
MORTGAGE ELECTRONIC REGISTRATION 8-21-08 [10]  
SYSTEMS, 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. 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.

52. 08-90779-D-11 UNIQUE DEPENDABLE INSURANCE CONT. HEARING - DEBTOR'S  
WFH #10 SERVICES, INC. SECOND MOTION FOR AUTHORITY  
TO USE CASH COLLATERAL  
7-31-08 [154]

53. 08-91257-D-7 STEVEN/KIMBELRY SIPE HEARING - OBJECTION  
TO REPORT OF NO DISTRIBUTION  
AND PREMATURE CASE CLOSURE  
9-4-08 [53]

This hearing is continued to October 15, 2008 at 10:30 a.m. to be heard with debtors' motion to compel abandonment. No appearance is necessary.

54. 08-91799-D-7 KIETHWIN BOWERS HEARING - MOTION  
CFH #1 TO COMPEL CHAPTER 7 TRUSTEE  
TO ABANDON PROPERTY OF  
THE ESTATE  
9-8-08 [10] O.S.T.