

**UNITED STATES BANKRUPTCY COURT**

Eastern District of California

Honorable Robert S. Bardwil  
Bankruptcy Judge  
Sacramento, California

**December 23, 2008 at 1:00 p.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.	08-37113-D-7	JO ANN VASSALLO	HEARING - MOTION TO IMPOSE AUTOMATIC STAY 11-21-08 [9]
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**CASE CONVERTED 12-3-08**

2. 05-30714-D-13L WILLIAM/JUDITH GREENAN HEARING - MOTION TO  
PGM #1 MODIFY CHAPTER 13 PLAN  
AFTER CONFIRMATION  
11-19-08 [55]

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.

3. 08-35715-D-13L JOHN AZEVEDO HEARING - MOTION  
PGM #1 TO VALUE COLLATERAL OF  
COUNTRYWIDE BANK  
11-24-08 [14]

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.

4. 08-34817-D-13L CELERINO/SANDRA TENORIO HEARING - OBJECTION TO  
MBJ #1 CONFIRMATION OF PLAN AND  
MOTION TO VALUE COLLATERAL  
OF SIERRA CENTRAL CREDIT UNION  
11-14-08 [14]

5. 08-32218-D-13L RICK/DELONN VASQUEZ HEARING - MOTION TO  
ADS #1 VALUE COLLATERAL OF CITIBANK  
11-25-08 [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.

6. 08-35519-D-13L ETHELYN WEEKES-HOLT HEARING - MOTION TO  
PGM #1 VALUE COLLATERAL OF GMAC  
MORTGAGE, LLC  
11-25-08 [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.

7. 08-34920-D-13L CLEMENTE RODRIGUEZ AND HEARING - OBJECTION  
NLE #1 CECELIA PENICK TO CONFIRMATION OF PLAN  
BY TRUSTEE  
11-24-08 [25]

8. 08-32221-D-13L ELEANOR ALINAYA HEARING - MOTION  
ADS #1 TO VALUE COLLATERAL OF  
WASHINGTON MUTUAL BANK/  
JP MORGAN CHASE BANK NA/  
FIDELITY  
11-25-08 [19]

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. 08-35521-D-13L MENG/JANE THAO HEARING - MOTION TO  
PGM #1 VALUE COLLATERAL OF CITIBANK  
11-21-08 [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.

10. 08-35526-D-13L TERESA PARSCAL  
PGM #1

HEARING - MOTION  
TO VALUE COLLATERAL OF  
BANK OF AMERICA  
11-24-08 [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.

11. 07-30228-D-13L CATHIE/ANDREW DAVIS  
NLE #1

HEARING - TRUSTEE'S  
OBJECTION TO CLAIM OF CAPITAL  
CITY CHEVROLET  
11-4-08 [102]

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.

12. 08-30231-D-13L SAMUEL/JONI COVERT  
JT #1

HEARING - MOTION TO  
CONFIRM FIRST AMENDED  
CHAPTER 13 PLAN  
11-14-08 [28]

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.

13. 08-23132-D-13L PATRICIA SMITH  
ADS #2

HEARING - OBJECTION  
TO CLAIM OF SAXON MORTGAGE  
10-30-08 [80]

The objection is overruled for the following reasons: (1) the name and address of the party served are left blank in the proof of service, and there is no attached service list; and (2) the objection does not include the date the proof of claim was filed with the court or the number of the claim on the claims register, as required by LBR 3007-1(b). As a result of these defects the court will overrule the objection by minute order. No appearance is necessary.

14. 08-23132-D-13L PATRICIA SMITH  
ADS #3

HEARING - MOTION  
TO CONFIRM FIRST AMENDED  
CHAPTER 13 PLAN  
10-24-08 [73]

The motion is denied for the following reasons: (1) the moving party failed to serve the creditors filing Claim Nos. 10 and 11 at the addresses on their proofs of claim as required by FRBP 2002(g); (2) the moving party failed to serve the party requesting special notice at DN 68 at the designated address; and (3) the moving party failed to serve Citibank, listed on the F-schedule. As a result of these service defects the court will deny the motion by minute order. No appearance is necessary.

15. 08-33632-D-13L FREDDIE WHITE  
DJD #1  
PROVIDENT FUNDING ASSOC., VS.

CONT. HEARING - MOTION FOR  
RELIEF FROM AUTOMATIC STAY  
10-6-08 [9]

16. 08-30036-D-13L CHRISTOPHER/MELISSA  
JT #3 STOLLARD

HEARING - MOTION  
TO VALUE COLLATERAL FIRST  
HORIZON FIRST TENNESSEE BANK  
11-21-08 [43]

Tentative Ruling: (1) according to its filed proof of claim, the creditor at issue in this motion is First Tennessee Bank, N.A. The moving party failed to serve the creditor, an FDIC-insured institution, by certified mail, as required by FRBP 7004(h); and (2) it is not clear whether the proof of service bears the signature of the declarant or whether the signature block contains blank lines. The court is inclined to deny the motion. The court will hear the matter.

17. 08-35736-D-13L JEFFREY/DEXTER PERALTA  
PGM #1

HEARING - MOTION TO  
VALUE COLLATERAL OF WELLS  
FARGO BANK, N.A.  
11-24-08 [14]

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. 08-32739-D-13L JAMES SIMPSON  
WW #1

HEARING - MOTION  
TO CONFIRM CHAPTER 13 PLAN  
11-12-08 [22]

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.

19. 08-33344-D-13L RAYMOND/AMY VICE  
TJS #1  
JP MORGAN CHASE BANK, N.A., VS.

HEARING - MOTION FOR  
RELIEF FROM AUTOMATIC STAY  
11-20-08 [23]

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.

20. 06-20146-D-13L LINDA LEMAN  
LKM #1

HEARING - MOTION  
TO MODIFY CHAPTER 13  
PLAN AFTER CONFIRMATION  
10-31-08 [23]

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.

21. 08-27547-D-13L DIANNE DOBBS  
PGM #2

HEARING - MOTION TO  
CONFIRM DEBTOR'S THIRD  
AMENDED PLAN  
11-18-08 [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.

22. 08-36050-D-13L ESTHER STEPP  
PGM #1

HEARING - MOTION  
TO VALUE COLLATERAL OF  
BANK OF AMERICA  
11-24-08 [14]

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.

23. 08-33552-D-13L JIM/JUDITH SPIVACK  
PD #1  
WELLS FARGO HOME  
MORTGAGE, INC., VS.

HEARING - MOTION FOR  
RELIEF FROM AUTOMATIC STAY  
11-20-08 [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 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. 08-32053-D-13L RICHARD/JEANNIE MILLER  
GG #1

HEARING - MOTION  
FOR ORDER VALUING  
COLLATERAL OF GMAC  
11-7-08 [19]

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.

25. 08-26655-D-13L MARVIN/GENA LEBLANC  
PGM #2

HEARING - MOTION TO  
MODIFY CHAPTER 13 PLAN  
AFTER CONFIRMATION  
11-18-08 [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.

26. 08-20456-D-13L FREDERICK/LAURA FITZGERALD HEARING - MOTION  
WW #2 TO CONFIRM FIRST MODIFIED  
CHAPTER 13 PLAN  
11-14-08 [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.

27. 08-25960-D-13L JUSTIN/SHAWNA CORNONNIER HEARING - TRUSTEE'S  
NLE #3 OBJECTION TO CLAIM OF DISNEY  
VACATION CLUB  
11-4-08 [73]

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.

28. 08-25960-D-13L JUSTIN/SHAWNA CORDONNIER HEARING - TRUSTEE'S  
NLE #4 OBJECTION TO CLAIM OF DISNEY  
VACATION CLUB  
11-4-08 [77]

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.

29. 08-23361-D-13L RUFO/THELMA DELACRUZ HEARING - MOTION FOR  
APN #1 RELIEF FROM AUTOMATIC STAY  
WELLS FARGO AUTO FINANCE, VS. 11-26-08 [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. 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.

30. 05-21463-D-13L ELIZABETH GREENE  
CJY #1

HEARING - MOTION  
TO CONFIRM FIRST MODIFIED  
CHAPTER 13 PLAN  
11-10-08 [16]

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.

31. 08-33367-D-13L EARL ADAMS  
NLE #1

HEARING - TRUSTEE'S  
OBJECTION TO EXEMPTIONS  
11-14-08 [14]

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 of exemptions. No appearance is necessary.

32. 08-32171-D-13L WILLIS/PATRICIA GUMMOE  
NLE #1

HEARING - TRUSTEE'S  
OBJECTION TO EXEMPTIONS  
11-24-08 [20]

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 of exemptions. No appearance is necessary.

33. 08-35175-D-13L BERTHA COCHRAN  
JFP #1

HEARING - OBJECTION  
TO CONFIRMATION OF PLAN  
BY DCFS USA LLC  
11-12-08 [12]

34. 07-29776-D-13L DAWN STANDARD  
WW #3

HEARING - MOTION  
TO CONFIRM FIRST MODIFIED  
CHAPTER 13 PLAN  
11-13-08 [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.

35. 08-31576-D-13L NANCY KAIN  
KAT #1

HEARING - MOTION TO  
CONFIRM CHAPTER 13 PLAN  
11-6-08 [31]

Tentative Ruling: (1) the moving party failed to serve any of the creditors filing claims in this case at the addresses on their proofs of claim as required by FRBP 2002(g); (2) the moving party failed to serve the IRS at its address on the Roster of Public Agencies, and failed to serve the party requesting special notice at DN 21 at its designated address; (3) the moving party failed to serve the U.S. Trustee; (4) the moving party served the notice of hearing and supporting declaration, but failed to serve the motion and the plan, as required by GO.05-03, para. 8(a); (5) the proofs of service do not state the date or the manner of service; (6) the plan contains an Attachment M-1 - motion to avoid a judicial lien of HomeEq Servicing, and an Attachment M-3 - motion to value the collateral of an unnamed creditor. However, neither the notice of hearing nor the motion provides adequate notice to the creditors of the nature of the relief sought against them (such as would be required by GO.05-03, para. 3(b) had a plan and Attachments M-1 and M-3 been served 18 calendar days before the meeting of creditors); further, the moving party failed to serve the creditors in accordance with FRBP 7004; and (7) the plan is different from the original plan filed in this case, but it is not entitled an amended plan. The court is inclined to deny the motion. As a result of the above defects the court will hear the matter.

36. 05-29380-D-13L REGINA COUNTRYMAN-BATES  
SAC #5

HEARING - MOTION TO  
MODIFY PLAN AFTER CONFIRMATION  
11-18-08 [69]

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.

37. 08-36787-D-13L LEE/DARCY GEHRKE  
BHS #1

HEARING - MOTION  
FOR ORDER VALUING COLLATERAL  
OF COUNTRYWIDE HOME LOANS  
11-18-08 [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 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.

38. 08-32389-D-13L MICHAELENE MAJOR  
CYB #1

HEARING - MOTION  
TO VALUE COLLATERAL OF  
COUNTRYWIDE HOME LOANS  
11-10-08 [19]

39. 08-24398-D-13L CHARLES/CHERYL OTT  
KB #1

HEARING - MOTION  
TO CONFIRM SECOND AMENDED  
CHAPTER 13 PLAN  
11-13-08 [58]

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.

40. 08-24398-D-13L CHARLES/CHERYL OTT  
KB #2

HEARING - MOTION  
TO VALUE COLLATERAL  
OF WELLS FARGO BANK  
11-13-08 [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.

41. 08-27498-D-13L LAVERA OSBORNE  
LMO #4

HEARING - MOTION  
TO CONFIRM FIRST AMENDED  
CHAPTER 13 PLAN  
11-10-08 [56]

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.

42. 08-27498-D-13L LAVERA OSBORNE  
LMO #5  
GMAC

HEARING - MOTION FOR  
DETERMINING VALUE OF COLLATERAL  
AND ALLOWING DEFICIENCY AS AN  
UNSECURED CLAIM OF GMAC  
11-10-08 [52]

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.

43. 08-30299-D-13L CAROLEE HUME  
GG #1

HEARING - MOTION  
FOR ORDER VALUING COLLATERAL  
OF WELLS FARGO BANK  
11-6-08 [19]

The motion is denied without prejudice. Secured creditor, Wells Fargo 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.

44. 08-29901-D-13L JOHN PABST  
PLG #2

CONT. HEARING - MOTION  
FOR CONFIRMATION OF FIRST  
AMENDED CHAPTER 13 PLAN  
9-19-08 [32]

45. 08-31009-D-13L KENT/MONA PANELO HEARING - MOTION FOR  
ANF #1 RELIEF FROM AUTOMATIC STAY  
ADDISON AVENUE FEDERAL 12-5-08 [47]  
CREDIT UNION, VS.
46. 08-38110-D-13L RACHEL SCHERBENSKE HEARING - MOTION  
FWK #1 FOR ORDER GRANTING RELIEF  
WACHOVIA MORTGAGE, VS. FROM THE AUTOMATIC STAY  
12-9-08 [8]
47. 08-35115-D-13L WILLIAM/SHERRYL YOURCZEK HEARING - OBJECTION  
NLE #1 TO CONFIRMATION OF PLAN  
BY TRUSTEE  
12-3-08 [18]
48. 08-30921-D-13L DANIEL/JOELETTE JACOBSON CONT. HEARING - MOTION FOR  
AJP #2 CONFIRMATION OF AMENDED  
CHAPTER 13 PLAN  
10-14-08 [31]

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. 08-30932-D-13L DEBRA MCCLANAHAN  
TJW #1

CONT. HEARING - DEBTOR'S  
MOTION TO APPROVE FIRST  
AMENDED CHAPTER 13 PLAN  
10-27-08 [19]

50. 08-36732-D-13L JASON DAVIS  
JKB #1  
WILSHIRE CREDIT CORP., VS.

HEARING - MOTION FOR  
RELIEF FROM THE AUTOMATIC STAY  
OR, IN THE ALTERNATIVE, FOR AN  
ORDER CONFIRMING THAT THERE IS  
NO AUTOMATIC STAY IN EFFECT  
12-8-08 [10]

51. 08-34960-D-13L THELMA/EDWARD RHEA  
PGM #1

HEARING - MOTION TO  
VALUE COLLATERAL OF CHASE  
11-26-08 [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 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.**

52. 08-35465-D-13L WAYNE POCOCK  
NLE #1

HEARING - OBJECTION  
TO CONFIRMATION OF PLAN  
BY TRUSTEE  
12-3-08 [21]

**Objection overruled as moot. Debtor filed an amended plan on December 10, 2008. As a result the court will overrule the objection without prejudice by minute order. No appearance is necessary.**

53. 08-34873-D-13L STEPHEN/SUSAN BURG  
NLE #2  
HEARING - OBJECTION  
TO CONFIRMATION OF PLAN  
BY TRUSTEE  
12-3-08 [20]

54. 08-35175-D-13L BERTHA COCHRAN  
NLE #1  
HEARING - OBJECTION  
TO CONFIRMATION OF PLAN  
BY TRUSTEE  
12-3-08 [20]

55. 08-23179-D-13L SUSAN PEARSON  
PGM #2  
CONT. HEARING - MOTION TO  
CONFIRM DEBTOR'S SECOND  
AMENDED PLAN  
10-24-08 [66]

56. 08-27993-D-13L ROGER/DIANE WILLIAMS  
SAC #1  
CONT. HEARING - MOTION TO  
CONFIRM FIRST AMEMDED  
CHAPTER 13 PLAN  
10-22-08 [26]

57. 08-28193-D-13L ALEXSANDR/MARINA TYANNIKOV HEARING - MOTION FOR  
RSL #1 RELIEF FROM AUTOMATIC STAY  
BANK OF AMERICA, N.A., VS. ON REAL PROPERTY  
12-9-08 [36]

58. 08-20296-D-13L JOHN/TRACY ROVEGNO HEARING - MOTION FOR  
DGN #1 RELIEF FROM AUTOMATIC STAY  
FORD MOTOR CREDIT 12-4-08 [82]  
COMPANY, VS.

**In the debtors' 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.**

59. 08-34996-D-13L PAVEL/TATYANA GAPCHENKO HEARING - TRUSTEE'S  
NLE #1 OBJECTION TO CONFIRMATION  
AND MOTION TO DISMISS  
12-3-08 [18]