

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Thomas C. Holman
Bankruptcy Judge
Sacramento, California

April 21, 2009 at 9:30 A.M.

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1. [09-22604](#)-B-13J MICHAEL FRANKLIN HEARING - ORDER
TO SHOW CAUSE RE DISMISSAL
OF CASE OR IMPOSITION OF
SANCTIONS
3-24-09 [[15](#)]

Disposition Without Oral Argument: The order to show cause is discharged as moot. This case was automatically dismissed at 12:01 am on April 6, 2009 pursuant to 11 U.S.C. § 521(i), which dismissal was confirmed by order entered on April 20, 2009 (Dkt. 18).

The court will issue a minute order.

2. [09-22206](#)-B-13J CHRISTOPHER/ELIZABETH CASTRO HEARING - ORDER
TO SHOW CAUSE RE DISMISSAL
FOR FAILURE TO TENDER FEES
3-26-09 [[24](#)]

Disposition Without Oral Argument: The order to show cause is discharged as moot because the bankruptcy case was dismissed by order entered on April 17, 2009 (Dkt. 26). No monetary sanctions are imposed.

The court will issue a minute order.

3. [09-20721](#)-B-13J BEVERLY THOMAS HEARING - ORDER
TO SHOW CAUSE RE DISMISSAL
OF CASE OR IMPOSITION OF
SANCTIONS
3-23-09 [[24](#)]

Tentative Ruling: None.

4. [09-20721](#)-B-13J BEVERLY THOMAS HEARING - MOTION TO
BT #1 CONFIRM THIRD AMENDED
CHAPTER 13 PLAN
3-13-09 [[19](#)]

Tentative Ruling: Due to the size of this calendar (203 matters), the court issues the following abbreviated tentative ruling. Any party may

at the hearing request a more explanatory Disposition After Oral Argument.

The attached motion to value HomeQ Services' collateral and the attached motion to value Sacramento Credit Union's collateral are denied without prejudice. The trustee's objections are sustained, and the motion to confirm the plan filed March 13, 2009 is denied.

Attached motions to avoid liens pursuant to section 522(f) or to value collateral are permitted by Paragraph 3(b) of General Order 05-03. Paragraph 8(a) of General Order 05-03, under which the debtor presently proceeds, contains no provision for attached motions. Moreover, even if the attached motions were permitted here, debtor failed to file or serve a separate notice of either attached motion to value collateral, as required by Paragraph 3(b) of General Order 05-03.

The court will issue a minute order.

5. [09-20721](#)-B-13J BEVERLY THOMAS
BT #1

HEARING - TRUSTEE'S
COUNTER MOTION TO
CONDITIONALLY DISMISS
CASE
4-6-09 [[26](#)]

Tentative Ruling: The trustee's countermotion is filed under LBR 9014-1(f)(2). Opposition may be presented at the hearing. Subject to such opposition, the court issues the following tentative ruling.

The countermotion is conditionally denied, the conditions being that on or before May 5, 2009 the debtor files a new plan and a motion to confirm the new plan, properly serves the new plan and the motion, and sets the motion for hearing on the next available chapter 13 calendar that provides proper notice.

The court will issue a minute order.

6. [09-23621](#)-B-13J MANUEL RAMOS

HEARING - ORDER
TO SHOW CAUSE RE DISMISSAL
OF CASE OR IMPOSITION OF
SANCTIONS
3-24-09 [[10](#)]

Disposition Without Oral Argument: The order to show cause is discharged because the bankruptcy case was dismissed by order entered on April 8, 2009. No monetary sanctions are imposed.

The court will issue a minute order.

7. [09-23041](#)-B-13J MICHAEL BRUNSON

HEARING - ORDER
TO SHOW CAUSE RE DISMISSAL
OF CASE OR IMPOSITION OF
SANCTIONS
3-23-09 [[16](#)]

Disposition Without Oral Argument: The order to show cause is discharged as moot. This case was automatically dismissed at 12:01 am on April 10, 2009 pursuant to 11 U.S.C. § 521(i), which dismissal was confirmed by order entered April 17, 2009 (Dkt. 22).

The court will issue a minute order.

8. [09-23041](#)-B-13J MICHAEL BRUNSON

HEARING - ORDER
TO SHOW CAUSE RE DISMISSAL
OF CASE OR IMPOSITION OF
SANCTIONS
3-23-09 [[17](#)]

Disposition Without Oral Argument: The order to show cause is discharged as moot. This case was automatically dismissed at 12:01 am on April 10, 2009 pursuant to 11 U.S.C. § 521(i), which dismissal was confirmed by order entered April 17, 2009 (Dkt. 22).

The court will issue a minute order.

9. [09-24859](#)-B-13J JORGE INFANTE

HEARING - ORDER
TO SHOW CAUSE RE DISMISSAL
OF CASE OR IMPOSITION OF
SANCTIONS
3-27-09 [[7](#)]

Tentative Ruling: None.

10. [09-24578](#)-B-13J BRANKO VOJNOVIC

HEARING - ORDER
TO SHOW CAUSE RE DISMISSAL
OF CASE OR IMPOSITION OF
SANCTIONS
3-25-09 [[7](#)]

Tentative Ruling: None.

11. [09-24686](#)-B-13J ROSA ECTOR HEARING - ORDER
TO SHOW CAUSE RE DISMISSAL
OF CASE OR IMPOSITION OF
SANCTIONS
3-26-09 [[8](#)]

Disposition Without Oral Argument: The order to show cause is discharged because the debtor filed the missing document on April 17, 2009. No monetary sanctions are imposed.

The court will issue a minute order.

12. [09-22592](#)-B-13J LISA BELLECCI HEARING - ORDER
TO SHOW CAUSE RE DISMISSAL
OF CASE OR IMPOSITION OF
SANCTIONS
3-25-09 [[17](#)]

Disposition Without Oral Argument: The order to show cause is discharged as moot because the bankruptcy case was dismissed by order entered on April 17, 2009 (Dkt. 20). No monetary sanctions are imposed.

The court will issue a minute order.

13. [09-22793](#)-B-13J BENJAMIN CLUFF HEARING - ORDER
TO SHOW CAUSE RE DISMISSAL
OF CASE OR IMPOSITION OF
SANCTIONS
3-26-09 [[15](#)]

Disposition Without Oral Argument: The order to show cause is discharged as moot. This case was automatically dismissed at 12:01 am on April 7, 2009 pursuant to 11 U.S.C. § 521(i), which dismissal was confirmed by order entered April 17, 2009 (Dkt. 18).

The court will issue a minute order.

14. [08-28808](#)-B-13J DAVID/SHAWNDA PRUITT HEARING - MOTION FOR
PD #1 RELIEF FROM AUTOMATIC STAY
WELL FARGO HOME 3-25-09 [[57](#)]
MORTGAGE, INC., VS.

Tentative Ruling: This is a properly filed motion under LBR 9014-1(f)(2). Opposition may be presented at the hearing. Therefore, the court issues no tentative ruling on the merits of the motion.

15. [09-22213](#)-B-13J STEVEN ALMAS
PD #1
AMERICA'S SERVICING CO., VS.

HEARING - MOTION FOR
RELIEF FROM AUTOMATIC STAY
AND CO-DEBTOR
3-20-09 [[19](#)]

Tentative Ruling: This is a properly filed motion under LBR 9014-1(f)(2). Opposition may be presented at the hearing. In this instance, however, the court issues the following tentative ruling.

The motion is denied as moot. This case was automatically dismissed at 12:01 am on March 30, 2009 pursuant to 11 U.S.C. § 521(i), which dismissal was confirmed by order entered April 17, 2009 (Dkt. 29).

Mootness is not avoided by movant's request for in rem relief, which the court construes as a request for a finding under 11 U.S.C. § 362(d)(4). Movant also cites 11 U.S.C. § 105(a) as authority for granting in rem relief, but the court does not find that citation compelling. In the exercise of its § 105(a) authority, a bankruptcy court has broad discretion to shape equitable remedies which further Congressional intent. Pacific Shores Dev., LLC v. At Home Corp. (In re At Home Corp.), 392 F.3d 1064, 1070 (9th Cir. 2004) ("[A] bankruptcy court must locate its equitable authority in the Bankruptcy Code."). "[S]tatutory silence alone does not invest a bankruptcy court with equitable powers. Those powers are limited and do not amount to a 'roving commission to do equity.'" Id. (citation omitted). The court concludes that purporting to use § 105(a) to grant in rem relief from the automatic stay would conflict with the plain language of § 362(a) ("Except as provided in subsection (b)...a petition filed under section 301, 302, or 303...operates as a stay..."). The conflict between such purported use of § 105(a) and § 362 is highlighted by the provisions of section 362(c)(3), (c)(4) and (d)(4), which were added to the Bankruptcy Code in the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 ("BAPCPA"). Had Congress intended that bankruptcy courts could order in rem relief from the automatic stay based on multiple filings, it surely would have specified that authority in BAPCPA.

A finding under 11 U.S.C. § 362(d)(4) is made as part of a ruling granting relief from the automatic stay. Section 362(d) begins with the language "[o]n request of a party in interest and after notice and a hearing, the court shall grant relief from the stay provided under subsection (a) of this section," and it then continues with four numbered subparagraphs, the last of which deals with relief from a stay of an act against real property if the court makes certain findings. However, those findings are only made as a basis for granting relief from the stay imposed by 11 U.S.C. § 362(a). In this case, no automatic stay ever existed from which relief could be granted.

Because the movant has not established that the value of the Property exceeds the amount of its claim, the court awards no fees and costs. 11 U.S.C. § 506(b).

The court will issue a minute order.

16. [08-35235](#)-B-13J LAURA TODD HEARING - MOTION FOR
DRP #2 RELIEF FROM AUTOMATIC STAY
ENTRUST ADMINISTRATION, INC., VS. 3-24-09 [[41](#)]

Disposition Without Oral Argument: This matter was withdrawn by the moving party on April 9, 2009 and is removed from the calendar.

17. [08-27536](#)-B-13J ALAN LIN AND ELISA PAN HEARING - MOTION FOR
DMM #1 RELIEF FROM AUTOMATIC STAY
WACHOVIA MORTGAGE, FSB, VS. 3-24-09 [[43](#)]

Tentative Ruling: The motion is denied as moot. The plan, filed June 5, 2008 (Dkt. 5) and confirmed by order entered October 24, 2008 (Dkt. 29), already provides relief from the automatic stay for this Class 4 claim regarding real property located at 9837 Novara Way, Elk Grove, CA 95757 (APN 132-0780-029) ("Property"). The court awards no fees and costs.

Because movant obtained the requested relief almost 10 months before filing this motion, the court awards no fees and costs.

The court will issue a minute order.

18. [09-20543](#)-B-13J JAMES/ELIZABETH SOLARI HEARING - MOTION FOR
PD #1 RELIEF FROM AUTOMATIC STAY
GMAC MORTGAGE, LLC, VS. 3-23-09 [[19](#)]

Tentative Ruling: The motion is denied as moot. The plan, filed January 13, 2009 (Dkt. 5) and confirmed by order entered March 13, 2009 (Dkt. 17), already provides relief from the automatic stay for this Class 3 claim regarding real property located at 9024 Grouse Meadow Drive, Elk Grove, CA 95624 ("Property"). The court awards no fees and costs.

Because movant obtained the requested relief 10 days before filing this motion, the court awards no fees and costs.

The court will issue a minute order.

19. [08-30747](#)-B-13J JUAN/JACQUELINE JIMENEZ HEARING - MOTION FOR
WGM #1 RELIEF FROM AUTOMATIC STAY
CARRINGTON MORTGAGE ON REAL PROPERTY
SERVICES, LLC, VS. 3-30-09 [[34](#)]

Tentative Ruling: The motion is denied as moot. The plan, filed August 4, 2008 (Dkt. 5) and confirmed by order entered October 17, 2008 (Dkt. 26), already provides relief from the automatic stay for this Class 4 claim regarding real property located at 8272 Primoak Way, Elk Grove, CA 95758 (APN 11611300190000) ("Property"). The court awards no fees and costs.

Because movant obtained the requested relief 5 months before filing this motion, the court awards no fees and costs.

The court will issue a minute order.

20. [08-29456](#)-B-13J JOHN/GLORIA ALON PD #1 MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., VS. HEARING - MOTION FOR RELIEF FROM AUTOMATIC STAY 3-23-09 [[55](#)]

Tentative Ruling: The motion is denied as moot. The plan, filed July 14, 2008 (Dkt. 5) and confirmed by order entered September 7, 2008 (Dkt. 26), already provides relief from the automatic stay for this Class 4 claim regarding real property located at 9945 Firethorn Way, Elk Grove, CA 95757 (APN 132-0880-064) ("Property"). The court awards no fees and costs.

Because movant obtained the requested relief six months before filing this motion, the court awards no fees and costs.

The court will issue a minute order.

21. [08-35569](#)-B-13J RODNEY/MARY HUSTON GLF #1 GEMB LENDING, INC., VS. HEARING - MOTION FOR RELIEF FROM AUTOMATIC STAY 3-23-09 [[43](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the size of this calendar (203 matters), the court issues the following abbreviated ruling.

The motion is granted in part. The automatic stay is modified pursuant to 11 U.S.C. § 362 (d)(1) in order to permit the movant to obtain possession of the subject vehicle, a 2005 Attitude ATT21AK Toy Hauler (VIN 5LZBE212X5S001676) (the "Vehicle"), to dispose of the Vehicle pursuant to applicable law, and to use the proceeds from its disposition to satisfy its claim including any attorney's fees awarded herein. The 10-day period specified in Fed. R. Bankr. P. 4001(a)(3) is ordered waived. Except as so ordered, the motion is denied.

Debtors' proposed plan provides for movant's claim in Class 4. Movant alleges without dispute that debtors have failed to make four (4) post-petition direct payments.

The court will issue a minute order.

22. [09-22469](#)-B-13J GLORIA GUNABE
JFP #1
CHRYSLER FINANCIAL SERVICES
AMERICAS LLC, VS.

HEARING - MOTION FOR
RELIEF FROM AUTOMATIC STAY
3-13-09 [[17](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the size of this calendar (203 matters), the court issues the following abbreviated ruling.

The motion is granted in part. The automatic stay is modified pursuant to 11 U.S.C. § 362 (d)(1) in order to permit the movant to obtain possession of its collateral, a 2006 Dodge Magnum (VIN 2D4GV57276H399744) ("Vehicle"), to dispose of it pursuant to applicable law, and to use the proceeds from its disposition to satisfy its claim including any attorney's fees awarded herein. The 10-day period specified in Fed. R. Bankr. P. 4001(a)(3) is ordered waived. Except as so ordered, the motion is denied.

Debtor's initial plan, filed March 30, 2009, fails to specify treatment for movant's claim. Movant alleges without dispute that debtor has failed to remit at least one (1) post-petition payments to movant. Movant is not adequately protected.

The court will issue a minute

23. [09-22174](#)-B-13J THOMAS FASOLETTE
JMJ #1
KEYPOINT CREDIT UNION, VS.

HEARING - MOTION FOR
RELIEF FROM AUTOMATIC STAY
3-16-09 [[13](#)]

Tentative Ruling: The motion is denied as moot. The plan, filed February 9, 2009 (Dkt. 5) and confirmed by order entered April 9, 2009 (Dkt. 22), already provides relief from the automatic stay for this Class 3 claim regarding the subject vehicle, a 2007 Dodge Truck (VIN 3D3MX38C97G718804) ("Vehicle").

This motion was improperly filed. First, movant failed to file a Relief from Stay Information Sheet with the motion, in derogation of LBR 4001-1(c). Second, movant failed to file the motion and the certificate of service as separate documents, in derogation of LBR 9014-1(e)(3).

The court will issue a minute order.

24. [05-32980](#)-B-13J GERGORY/TRUDY VOLENEC
JSM #1
CHASE HOME FINANCE, LLC, VS.

HEARING - MOTION FOR
RELIEF FROM AUTOMATIC STAY OR
IN THE ALTERNATIVE, FOR
ADEQUATE PROTECTION
3-24-09 [[73](#)]

Tentative Ruling: Neither the respondent within the time for opposition nor the movant within the time for reply has filed a separate statement identifying each disputed material factual issue relating to the motion. Accordingly, both movant and respondent have consented to the resolution of the motion and all disputed material factual issues pursuant to FRCivP 43(e). LBR 9014-1(f)(1)(ii) and (iii). Due to the size of this calendar (203 matters), the court issues the following abbreviated ruling.

The motion is granted in part. The automatic stay is modified as against the estate and the debtors pursuant to 11 U.S.C. § 362(d)(1) in order to permit the movant to foreclose on the real property located at 4136 Hollister Avenue, Carmichael, CA 95608 (APN 247-0240-034) (the "Property") and to obtain possession of the Property following the sale, all in accordance with applicable non-bankruptcy law. The court awards attorneys fees equal to the lesser of \$675 or the amount actually billed plus costs of \$150. These fees and costs may be enforced only against the Property. The 10-day period specified in Fed. R. Bankr. P. 4001(a)(3) is not waived. Except as so ordered, the motion is denied.

The court confirmed a plan on February 3, 2006 (Dkt. 35). Once a plan is confirmed, the only ground for granting relief from stay is a breach of that plan. See Ellis v. Parr (In re Ellis), 60 B.R. 432, 435 (9th Cir. BAP 1985). Movant alleges without dispute that the debtors have failed to make at least three (3) post-petition direct payments to movant. Therefore, the court finds that the debtors are in default under the confirmed plan.

Debtors have failed to substantiate their arguments that movant must offer debtors a loan modification workout equivalent to the present value of debtors' home pursuant to Cal. Civ. Code § 2923.6 and that movant must submit a copy of the underlying promissory note in order to prevail on this motion. Debtors do not dispute movant's contention that debtors are in breach of the confirmed plan as a result of their failure to tender at least three (3) post-petition direct payments to movant.

The court will issue a minute order.

25. [07-24381](#)-B-13J GINA/MARCUS QUINN
TJS #1
LITTON LOAN SERVICING, VS.

HEARING - MOTION FOR
RELIEF FROM AUTOMATIC STAY
3-20-09 [[50](#)]

Tentative Ruling: The motion is denied as moot. The plan, filed June 12, 2007 (Dkt. 5) and confirmed by order entered February 29, 2008 (Dkt. 40), already provides relief from the automatic stay for this Class 4 claim regarding real property located at 7301 Kilborn Drive, Fair Oaks, CA 95628 (APN 239-0040-031).

The court will issue a minute order.

26. [08-32290](#)-B-13J NEIL BRUGGMAN CONT. HEARING - MOTION FOR
KAT #1 RELIEF FROM AUTOMATIC STAY
AURORA LOAN SERVICES, LLC, VS. 2-25-09 [[29](#)]

CONT. FROM 3-24-09

Disposition Without Oral Argument: This matter was withdrawn by the moving party on April 17, 2009 and is removed from the calendar.

27. [09-23690](#)-B-13J 3109 KING ST PROPERTY MGMT HEARING - MOTION FOR
PD #1 PROMULGATRESS, ET AL. RELIEF FROM AUTOMATIC STAY
HSBC BANK USA, VS. 3-23-09 [[26](#)]

Tentative Ruling: This is a properly filed motion under LBR 9014-1(f)(1). On March 25, 2009, debtor filed written opposition. (Dkt. 32; Dkt. 33; Dkt. 34). Because the debtors are in pro se, the court issues the following abbreviated ruling.

The motion is granted in part. The automatic stay is modified pursuant to 11 U.S.C. § 362(d)(1) in order to permit the movant to obtain possession of real property located at 1853 9th Avenue, Unit 2, Oakland, CA 94606 (APN 021-0234-003) ("Property") in accordance with applicable non-bankruptcy law. The 10-day period specified in Fed. R. Bankr. P. 4001(a)(3) is waived. Except as so ordered, the motion is denied.

The movant became the owner of the Property on July 22, 2008, after it purchased the Property at a foreclosure sale. The movant perfected its interest in the Property by the recording of a trustee's deed upon sale in the official records of Alameda County on August 8, 2008. The debtors' commencement of this case on March 3, 2009 halted movant's efforts to proceed with an unlawful detainer proceeding.

Neither the estate nor the debtors have any interest in the Property other than a bare possessory interest. These facts constitute grounds for relief from the automatic stay.

The court notes that debtors' opposition to the motion is unpersuasive. Debtors fail to articulate any legal ground on which the motion should be denied. Moreover, debtors' reference to movant's alleged violation of the automatic stay is unsubstantiated and fails to show that the instant motion must or should be denied.

The court will issue a minute order.

28. [09-23690](#)-B-13J 3109 KING ST PROPERTY MGMT HEARING - COUNTER MOTION
OD #1 PROMULGATRESS, ET AL. FOR VIOLATION OF AUTOMATIC
HSBC BANK USA, VS. STAY ADEQUATE PROTECTION
PAYMENT MOTION
3-25-09 [[32](#)]

Tentative Ruling: Debtors' counter motion is governed by the procedures of LBR 9014-1(f)(2). Opposition may be presented at the hearing. Therefore, the court issues no tentative ruling on the merits of the motion.

29. [08-35495](#)-B-13J TERESA ALEXANDER CONT. HEARING - MOTION FOR
PD #1 RELIEF FROM AUTOMATIC STAY
AMERICA'S SERVICING CO., VS. 1-7-09 [[36](#)]

CONT. FROM 3-24-09, 2-24-09,
1-27-09

Tentative Ruling: This matter has been continued three times, most recently from March 24, 2009 at 9:30 am. Nothing further has been filed in this matter since the most recent continuance. In this instance, the court issues the following tentative ruling.

The motion is granted to the extent set forth herein. The automatic stay is modified pursuant to 11 U.S.C. § 362 (d)(1) in order to permit the movant to foreclose on the real property located at 9005 Plaza Park Drive, Elk Grove, CA 95624 (APN 134-0341-002) ("Property") and to obtain possession of the Property following the sale, all in accordance with applicable non-bankruptcy law. The court awards no fees and costs. The 10-day period specified in Fed. R. Bankr. P. 4001(a)(3) is not waived. Except as so ordered, the motion is denied.

The court has yet to confirm a plan in this case. The additional provisions of the first amended plan (Dkt. 63) propose to pay the movant's claim directly or, in effect, as a class 4 claim. Prior to confirmation, cause for relief from the automatic stay under Section 362(d)(1) exists if the movant is not adequately protected. Pursuant to 11 U.S.C. § 1326(a)(1), within thirty days of the earlier of the filing of the petition or the filing of the plan, the debtor is to commence making plan payments. Pursuant to General Order 05-03 ¶ 5(b), post-petition contract installment payments made directly by the debtor, or by a third person making payments on behalf of the debtor, to holders of class 4 secured claims shall be paid whether or not the chapter 13 plan has been confirmed and whether or not the creditor receiving the payment has filed a proof of claim. The debtor's performance under § 1326(a) and the terms of the proposed plan thus normally constitute adequate protection. Here, the movant alleges without dispute that it has not received at least three (3) post-petition payments from the debtor, totaling \$9,088.41. The foregoing is insufficient to provide the movant with adequate protection. These facts constitute cause for relief from the automatic stay.

The court will issue a minute order.

30. [08-35495](#)-B-13J TERESA ALEXANDER
GG #4
- HEARING - MOTION TO
APPROVE DEBTOR'S PLAN
2-24-09 [[59](#)]

Tentative Ruling: Due to the size of this calendar (203 matters), the court issues the following abbreviated tentative ruling. Any party may at the hearing request a more explanatory Disposition After Oral Argument.

The trustee's objection is sustained, and the motion to confirm the plan filed February 24, 2009 is denied.

The court will issue a minute order.

31. [08-35495](#)-B-13J TERESA ALEXANDER
GG #4
- HEARING - TRUSTEE'S
COUNTER MOTION TO CONDITIONALLY
DISMISS CASE
4-6-09 [[71](#)]

Tentative Ruling: The trustee's countermotion is filed under LBR 9014-1(f)(2). Opposition may be presented at the hearing. Subject to such opposition, the court issues the following tentative ruling.

The countermotion is conditionally denied, the conditions being that on or before May 5, 2009, the debtor files a new plan and a motion to confirm the new plan, properly serves the new plan and the motion, and sets the motion for hearing on the next available chapter 13 calendar that provides proper notice.

The court will issue a minute order.

32. [08-39102](#)-B-13J DEBORAH HENRY
EJH #1
- HEARING - MOTION
TO VALUE COLLATERAL OF
JP MORGAN CHASE BANK
3-17-09 [[16](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the size of this calendar (203 matters), the court issues the following abbreviated ruling.

The motion to value collateral pursuant to Fed. R. Bankr. P. 3012 and 11 U.S.C. § 506(a), is granted. \$1,200.00 of JP Morgan Chase Bank's claim secured by a DLP television with stand and related miscellaneous equipment ("Collateral") is a secured claim, and the balance of such claim is an unsecured claim.

In the absence of opposition, for the purposes of this motion, the Collateral had a value of \$1,200.00 on the date of the petition.

The court will issue a minute order.

33. [08-37003](#)-B-13J JENNIFER CREECH
PGM #1
- HEARING - MOTION TO
CONFIRM DEBTOR'S FIRST
AMENDED PLAN
3-4-09 [[19](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the size of this calendar (203 matters), the court issues the following abbreviated ruling.

The motion is granted, and the amended plan filed March 4, 2009 will be confirmed.

The court will issue a minute order granting the motion. Counsel for the debtor shall submit an order using EDC form 3-081-03 (Rev. 7/1/03) that conforms to the court's ruling and which has been approved by the trustee. The title of the order shall include a specific reference to the filing date of the amended plan.

34. [09-22203](#)-B-13J EIBE/PAULA DIEGO
MET #2
- HEARING - MOTION FOR
ORDER VALUING COLLATERAL OF
HSBC MORTGAGE CORPORATION
3-18-09 [[18](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the size of this calendar (203 matters), the court issues the following abbreviated ruling.

In the absence of opposition, the motion to value collateral pursuant to Fed. R. Bankr. P. 3012 and 11 U.S.C. § 506(a), is granted. \$0.00 of creditor's claim secured by the second deed of trust on real property located at 790 Derry Circle, Vacaville, California ("Property") is a secured claim, and the balance of its claim is an unsecured claim.

For the purposes of this motion, the Property had a value of \$500,000.00 on the date of the petition. The Property is encumbered by a first deed of trust held by American Home Mortgage Service with a balance of approximately \$599,436.00. Thus, the value of the collateral available to HSBC Mortgage Corporation on its second deed of trust is \$0.00.

The court will issue a minute order.

35. [09-22608](#)-B-13J DIANE YONG
WGM #1
- HEARING - OBJECTION
TO CONFIRMATION OF DEBTOR'S
CHAPTER 13 PLAN BY JPMORGAN
CHASE BANK, N.A.
3-26-09 [[15](#)]

Disposition Without Oral Argument: The motion is continued to May 5, 2009 at 9:30 a.m. to be heard with debtor's motion to value the collateral of JP Morgan Chase Bank.

The court will issue a minute order.

36. [09-22310](#)-B-13J SARAH PREVOST
JPJ #1

HEARING - TRUSTEE'S
OBJECTION TO CONFIRMATION OF
THE CHAPTER 13 PLAN AND
CONDITIONAL MOTION TO
DISMISS CASE
3-24-09 [[18](#)]

Tentative Ruling: The trustee's objection and motion to dismiss are governed by the procedures of LBR 9014-1(f)(2). Opposition may be presented at the hearing. Subject to such opposition and due to the size of this calendar (203 matters), the court issues the following abbreviated tentative ruling. Any party may at the hearing request a more explanatory Disposition After Oral Argument.

The trustee's objections are sustained. Confirmation of the plan filed February 11, 2009 is denied. The trustee's motion to dismiss is conditionally denied, the conditions being that on or before May 5, 2009, the debtor files a new plan and a motion to confirm the new plan, properly serves the new plan and the motion, and sets the motion for hearing on the next available chapter 13 calendar that provides proper notice.

The court will issue a minute order.

37. [08-31312](#)-B-13J THOMAS STOUT
AJP #5

HEARING - MOTION
FOR CONFIRMATION OF THIRD
AMENDED CHAPTER 13 PLAN
2-20-09 [[63](#)]

Disposition Without Oral Argument: The motion is denied as moot because the bankruptcy case was dismissed by order entered on March 27, 2009.

The court will issue a minute order.

38. [08-29716](#)-B-13J RICHARD GIL
JPJ #2

HEARING - OPPOSITION
TO NOTICE OF DEFAULT AND
APPLICATION TO DISMISS BY
DEBTOR
3-20-09 [[60](#)]

Tentative Ruling: This is a properly filed objection under LBR 9014-1(f)(2). Opposition may be presented at the hearing. Therefore, the court issues no tentative ruling on the merits of the objection.

39. [09-23516](#)-B-13J AVIS DONAHUE
JT #1

HEARING - MOTION TO
VALUE COLLATERAL OF CHASE
MANHATTAN MORTGAGE
3-12-09 [[13](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the size of this calendar (203 matters), the court issues the following abbreviated ruling.

In the absence of opposition, the motion to value collateral pursuant to Fed. R. Bankr. P. 3012 and 11 U.S.C. § 506(a), is granted. \$0.00 of creditor's claim secured by the second deed of trust on real property located at 8028 Dusenberg Court, Sacramento, CA 95828 ("Property") is a secured claim, and the balance of its claim is an unsecured claim.

For the purposes of this motion, the Property had a value of \$155,000.00 on the date of the petition. The Property is encumbered by a first deed of trust held by Citimortgage with a balance of approximately \$232,677.00. Thus, the value of the collateral available to Chase Manhattan Mortgage on its second deed of trust is \$0.00.

The court will issue a minute order.

40. [09-22117](#)-B-13J SANTIAGO/DELMY MENJIVAR
JLK #1

HEARING - MOTION TO VALUE
COLLATERAL OF CITIMORTGAGE, INC.
3-11-09 [[13](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the size of this calendar (203 matters), the court issues the following abbreviated ruling.

In the absence of opposition, the motion to value collateral pursuant to Fed. R. Bankr. P. 3012 and 11 U.S.C. § 506(a), is granted. \$0.00 of creditor's claim secured by the second deed of trust on real property located at 7672 Greenridge Way, Fair Oaks, CA 95628 ("Property") is a secured claim, and the balance of its claim is an unsecured claim.

For the purposes of this motion, the Property had a value of \$305,000.00 on the date of the petition. The Property is encumbered by a first deed of trust held by Litton Loan Servicing with a balance of approximately \$383,074.00. Thus, the value of the collateral available to Citimortgage, Inc. on its second deed of trust is \$0.00.

The court will issue a minute order.

41. [09-23518](#)-B-13J RICHARD/TERI HUNLEY
JT #1

HEARING - MOTION TO
VALUE COLLATERAL COUNTRYWIDE
HOME LOANS
3-16-09 [[13](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the size of this calendar (203 matters), the court issues the following abbreviated ruling.

In the absence of opposition, the motion to value collateral pursuant to Fed. R. Bankr. P. 3012 and 11 U.S.C. § 506(a), is granted. \$0.00 of creditor's claim secured by the second deed of trust on real property located at 6711 53rd Street, Sacramento, CA 95823 ("Property") is a secured claim, and the balance of its claim is an unsecured claim.

For the purposes of this motion, the Property had a value of \$90,000.00 on the date of the petition. The Property is encumbered by a first deed of trust held by Countrywide Home Loans with a balance of approximately \$96,539.00. Thus, the value of the collateral available to Countrywide Home Loans on its second deed of trust is \$0.00.

The court will issue a minute order.

42. [08-31519](#)-B-13J GAY CHILDRESS
ADS #2

HEARING - MOTION
TO CONVERT CASE FROM CHAPTER
13 TO 7
3-20-09 [[20](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the size of this calendar (203 matters), the court issues the following abbreviated ruling.

In the absence of opposition, this case is converted to one under chapter 7 pursuant to 11 U.S.C. § 1307(a).

The court will issue a minute order.

43. [08-36019](#)-B-13J JUDD/GINA URBAN
PGM #2

CONT. HEARING - MOTION
TO CONFIRM DEBTORS' FIRST
AMENDED PLAN
12-30-08 [[27](#)]

CONT. FROM 3-24-09,2-10-09

Tentative Ruling: This matter continued most recently from March 24, 2009 without a briefing schedule. Nothing further has been filed in this case. Neither the respondent within the time for opposition nor the movant within the time for reply has filed a separate statement identifying each disputed material factual issue relating to the motion. Accordingly, both movant and respondent have consented to the resolution of the motion and all disputed material factual issues pursuant to FRCivP 43(e). LBR 9014-1(f)(1)(ii) and (iii).

Creditor Indymac Federal Bank's ("Indymac") objection is sustained in part. The trustee's objections are sustained in part. Confirmation of the first amended plan filed December 30, 2008 is denied.

Indymac's first and third objections are sustained. The trustee's first and second objections are sustained. The remainder of Indymac's objections and the trustee's objections are overruled.

The court will issue a minute order.

44. [08-36019](#)-B-13J JUDD/GINA URBAN
PGM #2

CONT. HEARING - TRUSTEE'S
COUNTER MOTION TO CONDITIONALLY
DISMISS CASE
1-26-09 [[38](#)]

CONT. FROM 3-24-09,2-10-09

Tentative Ruling: This matter continued most recently from March 24, 2009 without a briefing schedule. Nothing further has been filed in this matter. The trustee's countermotion is governed by the procedures of LBR 9014-1(f)(2). Opposition may be presented at the hearing. Subject to such opposition and due to the size of this calendar (203 matters), the court issues the following abbreviated tentative ruling. Any party may at the hearing request a more explanatory Disposition After Oral Argument.

The countermotion is conditionally denied, the conditions being that on or before May 5, 2009 the debtors file a new plan and a motion to confirm the new plan, properly serve the new plan and the motion, and set the motion for hearing on the next available chapter 13 calendar that provides proper notice.

The court will issue a minute order.

45. [08-37921](#)-B-13J DENA GILDAY
SDB #1
KELKRIS ASSOCIATES, INC.

CONT. HEARING - MOTION
TO AVOID LIEN
2-11-09 [[22](#)]

CONT. FROM 3-24-09

Disposition Without Oral Argument: This matter continued from March 24, 2009 with a briefing schedule. Movant was ordered to file and serve supplemental briefing on the order of priority of the two judicial liens at issue in case no. 08-37921-B-13J, D.C. Nos. SDB-1 and SDB-2. No such supplemental briefing has been filed. Nothing further has been filed in this matter. Due to the size of this calendar (203 matters), the court issues the following abbreviated ruling.

The motion is denied without prejudice.

Following the hearing on March 24, 2009, the court issued a minute order which directed the debtor to perform several tasks ("the Order"). (Dkt. 34). The debtor failed to comply with the court's directives in the Order. Accordingly, the motion is denied without prejudice.

The court will issue a minute order.

46. [08-37921](#)-B-13J DENA GILDAY, VS.
SDB #2
UNIFUND CCR PARTNERS

CONT. HEARING - MOTION
TO AVOID LIEN
2-11-09 [[28](#)]

CONT. FROM 3-24-09

Disposition Without Oral Argument: This matter continued from March 24, 2009 with a briefing schedule. Movant was ordered to file and serve supplemental briefing on the order of priority of the two judicial liens at issue in case no. 08-37921-B-13J, D.C. Nos. SDB-1 and SDB-2. No such supplemental briefing has been filed. Nothing further has been filed in this matter. Due to the size of this calendar (203 matters), the court issues the following abbreviated ruling.

The motion is denied without prejudice.

Following the hearing on March 24, 2009, the court issued a minute order which directed the debtor to perform several tasks ("the Order"). (Dkt. 35). The debtor failed to comply with the court's directives in the Order. Accordingly, the motion is denied without prejudice.

The court will issue a minute order.

47. [08-39221](#)-B-13J EDWIN/LUZVIMINDA STEVENSON
SL #1

HEARING - MOTION
TO CONFIRM 1ST AMENDED
CHAPTER 13 PLAN
3-10-09 [[20](#)]

Tentative Ruling: Due to the size of this calendar (203 matters), the court issues the following abbreviated tentative ruling. Any party may at the hearing request a more explanatory Disposition After Oral Argument.

The trustee's objections are sustained, and the motion to confirm the plan filed March 10, 2009 is denied.

The court will issue a minute order.

48. [08-39221](#)-B-13J EDWIN/LUZVIMINDA STEVENSON
SL #1

HEARING - TRUSTEE'S
COUNTER MOTION TO
CONDITIONALLY DISMISS
CASE
4-6-09 [[32](#)]

Tentative Ruling: The trustee's countermotion is governed by the procedures of LBR 9014-1(f)(2). Opposition may be presented at the hearing. Subject to such opposition and due to the size of this calendar (203 matters), the court issues the following abbreviated tentative ruling.

The countermotion is conditionally denied, the conditions being that on or before May 5, 2009 the debtors file a new plan and a motion to confirm the new plan, properly serve the new plan and the motion, and set the motion for hearing on the next available chapter 13 calendar that provides proper notice.

The court will issue a minute order.

49. [09-20121](#)-B-13J AMADEO/DAYNA DE LA O HDR #2 HEARING - MOTION TO CONFIRM AMENDED CHAPTER 13 PLAN 3-24-09 [[29](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the size of this calendar (203 matters), the court issues the following abbreviated ruling.

The motion is granted, and the amended plan filed March 23, 2009 will be confirmed.

The court will issue a minute order granting the motion. Counsel for the debtors shall submit an order using EDC form 3-081-03 (Rev. 7/1/03) that conforms to the court's ruling and which has been approved by the trustee. The title of the order shall include a specific reference to the filing date of the amended plan.

50. [09-22522](#)-B-13J CHAD GELISSE RDW #1 HEARING - OBJECTIONS TO CONFIRMATION OF DEBTOR'S CHAPTER 13 PLAN BY PATELCO CREDIT UNION 3-19-09 [[18](#)]

Disposition Without Oral Argument: The motion is continued to May 19, 2009 at 9:30 a.m. to be heard with debtor's stand-alone motions to value the collateral of Patelco Credit Union and Select Portfolio Services.

The court will issue a minute order.

51. [09-22522](#)-B-13J CHAD GELISSE RDW #2 HEARING - OPPOSITION TO DEBTOR'S MOTION TO VALUE COLLATERAL OF PATELCO CREDIT UNION 3-19-09 [[16](#)]

Disposition Without Oral Argument: Oral argument will not aid the court in rendering a decision on this matter.

The objection is overruled as moot.

On April 10, 2009, the debtor filed a stand-alone motion to value creditor's collateral. (Dkt. 41). The filing of that motion constitutes a withdrawal of the attached motion to value to which the creditor's

objection is directed.

The court will issue a minute order.

52. [08-31123](#)-B-13J RAFAEL/JEANETTE RESTAURO HEARING - MOTION
PLG #3 TO INCUR DEBT TO
PURCHASE A VEHICLE
3-20-09 [[44](#)]

Tentative Ruling: This is a properly filed motion under LBR 9014-1(f)(2). Opposition may be presented at the hearing. Therefore, the court issues no tentative ruling on the merits of the motion.

53. [09-20023](#)-B-13J GRETA HEDIN HEARING - MOTION FOR
AJP #1 CONFIRMATION OF AMENDED
CHAPTER 13 PLAN
3-3-09 [[14](#)]

Disposition Without Oral Argument: The motion is denied as moot because the bankruptcy case was converted to one under chapter 7 by order signed on April 20, 2009.

The court will issue a minute order.

54. [09-20023](#)-B-13J GRETA HEDIN HEARING - TRUSTEE'S
AJP #1 COUNTER MOTION TO
CONDITIONALLY DISMISS
CASE
4-6-09 [[17](#)]

Disposition Without Oral Argument: The countermotion is denied as moot because the bankruptcy case was converted to one under chapter 7 by order signed on April 20, 2009.

The court will issue a minute order.

55. [09-23124](#)-B-13J RUBINA ALLRED HEARING - DEBTOR'S MOTION
ADR #1 FOR ORDER VALUING COLLATERAL
OF COUNTRYWIDE HOME LOANS, INC.
3-19-09 [[13](#)]

Disposition Without Oral Argument: The motion is denied as moot because the bankruptcy case was converted to one under chapter 7 on April 10, 2009.

The court will issue a minute order.

56. [08-38825](#)-B-13J DEHNEL DEMIANEW
SCA #1

HEARING - MOTION
TO CONFIRM DEBTOR'S
CHAPTER 13 PLAN
3-10-09 [[22](#)]

Tentative Ruling: Due to the size of this calendar (203 matters), the court issues the following abbreviated tentative ruling. Any party may at the hearing request a more explanatory Disposition After Oral Argument.

The trustee's objections are sustained, and the motion to confirm the plan filed March 10, 2009 is denied.

The court will issue a minute order.

57. [08-38825](#)-B-13J DEHNEL DEMIANEW
SCA #1

HEARING - TRUSTEE'S
COUNTER MOTION TO
CONDITIONALLY DISMISS
CASE
4-6-09 [[30](#)]

Tentative Ruling: The trustee's countermotion is filed under LBR 9014-1(f)(2). Opposition may be presented at the hearing. Subject to such opposition and due to the size of this calendar (203 matters), the court issues the following abbreviated tentative ruling.

The countermotion is conditionally denied, the conditions being that on or before May 5, 2009 the debtor files a new plan and a motion to confirm the new plan, properly serves the new plan and the motion, and sets the motion for hearing on the next available chapter 13 calendar that provides proper notice.

The court will issue a minute order.

58. [08-39527](#)-B-13J TREVOR/RACHEL SMITH
SS #2

HEARING - MOTION TO
CONFIRM AMENDED PLAN
3-3-09 [[28](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the size of this calendar (203 matters), the court issues the following abbreviated ruling.

The motion is granted, and the amended plan filed March 3, 2009 will be confirmed.

The court will issue a minute order granting the motion. Counsel for the debtors shall submit an order using EDC form 3-081-03 (Rev. 7/1/03) that conforms to the court's ruling and which has been approved by the trustee. The title of the order shall include a specific reference to the filing date of the amended plan.

59. [09-22328](#)-B-13J WILLIAM/TASHA TUCKER
CJY #1

HEARING - MOTION TO
VALUE COLLATERAL OF REAL
TIME RESOLUTIONS
3-4-09 [[13](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the size of this calendar (203 matters), the court issues the following abbreviated ruling.

In the absence of opposition, the motion to value collateral pursuant to Fed. R. Bankr. P. 3012 and 11 U.S.C. § 506(a), is granted. \$0.00 of creditor's claim secured by the second deed of trust on real property located at 2444 39th Avenue, Sacramento, CA 95822 ("Property") is a secured claim, and the balance of its claim is an unsecured claim.

For the purposes of this motion, the Property had a value of \$165,000.00 on the date of the petition. The Property is encumbered by a first deed of trust held by Ocwen Federal Bank with a balance of approximately \$347,342.00. Thus, the value of the collateral available to Real Time Solutions on its second deed of trust is \$0.00.

The court will issue a minute order.

60. [08-24031](#)-B-13J KURRAN/RHONDA BOGLIN
PGM #3

HEARING - MOTION TO
MODIFY CHAPTER 13 PLAN
AFTER CONFIRMATION
3-10-09 [[66](#)]

Tentative Ruling: Due to the size of this calendar (203 matters), the court issues the following abbreviated tentative ruling. Any party may at the hearing request a more explanatory Disposition After Oral Argument.

The trustee's objection is sustained, and the motion to confirm the plan filed March 10, 2009 is denied.

The court will issue a minute order.

61. [09-22533](#)-B-13J DANNY/KIMBERLY MAYNARD
JLK #1

HEARING - MOTION TO
VALUE COLLATERAL OF THE
CIT GROUP, INC.
3-19-09 [[12](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the size of this calendar (203 matters), the court issues the following abbreviated ruling.

In the absence of opposition, the motion to value collateral pursuant to Fed. R. Bankr. P. 3012 and 11 U.S.C. § 506(a), is granted. \$0.00 of creditor's claim secured by the second deed of trust on real property located at 5 Fresno Place, Woodland, CA 95695 ("Property") is a secured

claim, and the balance of its claim is an unsecured claim.

For the purposes of this motion, the Property had a value of \$250,000.00 on the date of the petition. The Property is encumbered by a first deed of trust held by First Bank Mortgage with a balance of approximately \$378,730.73. Thus, the value of the collateral available to CIT Group, Inc. on its second deed of trust is \$0.00.

The court will issue a minute order.

62. [09-21538](#)-B-13J ED DE LEON AND HEARING - MOTION TO
ADS #1 GEMMA LOPEZ VALUE COLLATERAL OF BENEFICIAL/
HFC
3-10-09 [[15](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the size of this calendar (203 matters), the court issues the following abbreviated ruling.

In the absence of opposition, the motion to value collateral pursuant to Fed. R. Bankr. P. 3012 and 11 U.S.C. § 506(a), is granted. \$0.00 of creditor's claim secured by the second deed of trust on real property located at 1840 Bell Street, Sacramento, CA 95825 ("Property") is a secured claim, and the balance of its claim is an unsecured claim.

For the purposes of this motion, the Property had a value of \$120,000.00 on the date of the petition. The Property is encumbered by a first deed of trust held by Chase Manhattan Mortgage with a balance of approximately \$187,388.00. Thus, the value of the collateral available to Beneficial/HFC on its second deed of trust is \$0.00.

The court will issue a minute order.

63. [08-33540](#)-B-13J ANGELITA ADAMS CONT. HEARING - MOTION
SL #1 TO CONFIRM FIRST AMENDED
CHAPTER 13 PLAN
1-27-09 [[29](#)]

CONT. FROM 3-10-09

Tentative Ruling: This matter continued from March 10, 2009 without a briefing schedule. The motion was continued to give the debtor an opportunity to present a new motion to avoid an alleged judicial lien in favor of Beneficial. No new motion to avoid lien has been filed in this matter. In this instance, the court issues the following tentative ruling.

The motion to confirm the plan filed January 27, 2009 is denied.

Although no party in interest has objected to the motion, the court has an independent duty to determine whether the plan satisfies the requirements for confirmation. Chinichian v. Campolongo (In re Chinichian), 784 F.2d 1440, 1443-1444 (9th Cir. 1986) ("For a court to confirm a plan, each of the requirements of section 1325 must be present

and the debtor has the burden of proving that each element has been met."), In re Lucas, 3 B.R. 252, 253 (Bankr. S.D. Cal. 1980) ("In order to confirm any Chapter 13 Plan, the court must be satisfied, by an independent analysis of the facts, that the plan meets all of the requirements of § 1325(a)."). Here, the plan fails to provide for Beneficial's secured claim in the amount of \$7,605.95 (POC 1), and no motion to avoid Beneficial's lien has been granted in this case.

The court will issue a minute order.

64. [09-22140](#)-B-13J JORGE GARCIA
JPJ #1
- HEARING - TRUSTEE'S
OBJECTION TO CONFIRMATION OF
THE CHAPTER 13 PLAN AND
CONDITIONAL MOTION TO
DISMISS CASE
3-24-09 [[22](#)]

Disposition Without Oral Argument: Oral argument will not aid the court in rendering a decision on this matter.

The objection is overruled as moot.

On February 25, 2009, the debtor filed an amended plan and motion to confirm. The filing of the amended plan and motion to confirm constitute a withdrawal of the plan to which the trustee's objection is directed.

The court will issue a minute order.

65. [05-33241](#)-B-13J YONG WANG
CJY #1
- HEARING - DEBTOR'S
MOTION TO CONFIRM FIRST
MODIFIED CHAPTER 13 PLAN
3-4-09 [[14](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the size of this calendar (203 matters), the court issues the following abbreviated ruling.

The motion is granted, and the modified plan filed March 4, 2009 is confirmed.

The court will issue a minute order.

66. [09-21942](#)-B-13J CLAUDIA BELLO
MET #1
- HEARING - MOTION
FOR ORDER VALUING COLLATERAL
OF BANK OF AMERICA, N.A.
3-9-09 [[12](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the size of this calendar (203 matters), the court issues the following abbreviated ruling.

In the absence of opposition, the motion to value collateral pursuant to

Fed. R. Bankr. P. 3012 and 11 U.S.C. § 506(a), is granted. \$0.00 of creditor's claim secured by the second deed of trust on real property located at 3422 Edgewater Place, Vallejo, California ("Property") is a secured claim, and the balance of its claim is an unsecured claim.

For the purposes of this motion, the Property had a value of \$373,000.00 on the date of the petition. The Property is encumbered by a first deed of trust held by Countrywide Home Loans with a balance of approximately \$553,118.00. Thus, the value of the collateral available to Bank of America on its second deed of trust is \$0.00.

The court will issue a minute order.

67. [08-36544](#)-B-13J RICHARD NITZKOWSKI HEARING - DEBTOR'S MOTION
TO CONFIRM SECOND AMENDED
CHAPTER 13 PLAN
3-12-09 [[48](#)]

Tentative Ruling: The motion is continued to June 2, 2009 at 9:30 a.m. because the debtor failed to file a certificate of service with the motion. On or before April 24, 2009, the debtor shall serve the motion, the plan, its supporting papers, and notice of the continued hearing on all parties in interest as required by Fed. R. Bankr. P. 2002(b). The debtor shall also file the notice of the continued hearing with the court. Proof of service shall be filed within three court days thereafter. LBR 9014-1(e)(2). If the debtor fails to do any of the foregoing, the motion will be denied without prejudice.

The court will issue a minute order.

68. [08-37644](#)-B-13J VICK/MAY MELANCON HEARING - MOTION
JGE #2 TO CONFIRM DEBTORS' SECOND
AMENDED CHAPTER 13 PLAN
3-9-09 [[36](#)]

Tentative Ruling: This motion was filed pursuant to LBR 9014-1(f)(1). In this instance, the court issues the following tentative ruling.

The motion to confirm the plan filed March 9, 2009 is denied.

Although no party in interest has objected to the motion, the court has an independent duty to determine whether the plan satisfies the requirements for confirmation. Chinichian v. Campolongo (In re Chinichian), 784 F.2d 1440, 1443-1444 (9th Cir. 1986) ("For a court to confirm a plan, each of the requirements of section 1325 must be present and the debtor has the burden of proving that each element has been met."), In re Lucas, 3 B.R. 252, 253 (Bankr. S.D. Cal. 1980) ("In order to confirm any Chapter 13 Plan, the court must be satisfied, by an independent analysis of the facts, that the plan meets all of the requirements of § 1325(a)."). Here, the plan fails to provide for County of Sacramento's full secured claim in the amount of \$10,936.10 (POC 14), and no motion to value County of Sacramento's collateral has been granted

in this case.

The court will issue a minute order.

69. [09-21845](#)-B-13J WILLIAM/MARY MCCALL
APN #1
- HEARING - OBJECTION TO
CONFIRMATION OF CHAPTER 13
PLAN AND TO THE MOTION TO
VALUE COLLATERAL OF WELLS
FARGO FINANCIAL
3-26-09 [[27](#)]

Disposition Without Oral Argument: The motion is continued to May 5, 2009 at 9:30 a.m. to be heard with debtors' motion to value the collateral of Wells Fargo.

The court will issue a minute order.

70. [08-35746](#)-B-13J JAMES BONELLI
WSS #1
- HEARING - MOTION
FOR CONFIRMATION OF
AMENDED PLAN
2-17-09 [[23](#)]

Disposition Without Oral Argument: The motion is denied as moot.

This bankruptcy case was dismissed by order entered on April 6, 2009.

The court will issue a minute order.

71. [09-20440](#)-B-13J ROY/MICHELLE BORGERSEN
- CONT. HEARING - OBJECTION TO
CHAPTER 13 PLAN BY COUNTY
OF PLACER, CA
2-26-09 [[20](#)]

CONT. FROM 3-24-09

Tentative Ruling: This matter continued from March 24, 2009 with a briefing schedule. Creditor Placer County Tax Collector's ("County") supplemental brief was due on or before April 7, 2009. Debtor's opposition was due on or before April 14, 2009. Although County filed a supplemental brief (Dkt. 35), nothing further has been filed by the debtors. In this instance, the court issues the following abbreviated tentative ruling. Any party may at the hearing request a more explanatory Disposition After Oral Argument.

County's objection is sustained, for the reasons stated in County's objection (Dkt. 20) and supplemental brief (Dkt. 35). County has shown that it is entitled to receive 18% interest per annum on its claim pursuant to 11 U.S.C. § 511 or, alternatively, pursuant to 11 U.S.C. § 506(b).

The court will issue a minute order.

72. [08-35846](#)-B-13J RICHARD/EVA SMITH
JT #2

HEARING - MOTION
TO VALUE COLLATERAL OF
CHRYSLER FINANCIAL
3-24-09 [[35](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the size of this calendar (203 matters), the court issues the following abbreviated ruling.

The motion to value collateral pursuant to Fed. R. Bankr. P. 3012 and 11 U.S.C. § 506(a), is granted. \$17,500.00 of Chrysler Financial's claim secured by a 2006 Dodge 3500 ("Collateral") is a secured claim, and the balance of such claim is an unsecured claim.

In the absence of opposition, for the purposes of this motion, the Collateral had a value of \$17,500.00 on the date of the petition.

The court will issue a minute order.

73. [08-38346](#)-B-13J MICHELLE HIGGINBOTHAM
FF #1

HEARING - MOTION
TO CONFIRM FIRST AMENDED
CHAPTER 13 PLAN
2-23-09 [[38](#)]

Tentative Ruling: Due to the size of this calendar (203 matters), the court issues the following abbreviated tentative ruling. Any party may at the hearing request a more explanatory Disposition After Oral Argument.

The trustee's objections are sustained, and the motion to confirm the plan filed February 17, 2009 is denied.

The court will issue a minute order.

74. [08-38346](#)-B-13J MICHELLE HIGGINBOTHAM
FF #1

HEARING - COUNTER MOTION
TO CONDITIONALLY DISMISS CASE
4-6-09 [[48](#)]

Tentative Ruling: The trustee's countermotion is filed under LBR 9014-1(f)(2). Opposition may be presented at the hearing. Subject to such opposition and due to the size of this calendar (203 matters), the court issues the following abbreviated tentative ruling.

The countermotion is conditionally denied, the conditions being that on or before May 5, 2009 the debtor files a new plan and a motion to confirm the new plan, properly serves the new plan and the motion, and sets the motion for hearing on the next available chapter 13 calendar that provides proper notice.

The court will issue a minute order.

75. [08-38346](#)-B-13J MICHELLE HIGGINBOTHAM
FF #2

HEARING - MOTION TO
VALUE COLLATERAL (REAL ESTATE)
FOR LIEN OF WASHINGTON MUTUAL
2-23-09 [[34](#)]

Disposition Without Oral Argument: The motion is continued to May 19, 2009 at 9:30 a.m. because the certificate of service is neither signed nor dated. On or before April 21, 2009, the date of this hearing, the debtor shall serve the motion, its supporting papers, and notice of the continued hearing on Washington Mutual in the manner required by Fed. R. Bankr. P. 7004 and on all other parties in interest. The debtor shall also file the notice of the continued hearing with the court. Proof of service shall be filed within three court days thereafter. LBR 9014-1(e)(2). If the debtor fails to do any of the foregoing, the motion will be denied without prejudice.

The certificate of service (Dkt. 37) is neither signed nor dated.

The court will issue a minute order.

76. [09-21746](#)-B-13J JAMES DIPINTO
KAT #1

HEARING - OBJECTION
TO CONFIRMATION OF PLAN
BY U.S. NATIONAL BANK ASSOCIATION
3-6-09 [[14](#)]

Tentative Ruling: Due to the size of this calendar (203 matters), the court issues the following abbreviated tentative ruling. Any party may at the hearing request a more explanatory Disposition After Oral Argument.

Creditor U.S. National Bank Association's objection is sustained, and the motion to confirm the plan filed February 2, 2009 is denied. Creditor's request for attorney's fees is denied.

Creditor's request for attorney's fees is denied because creditor has not shown that there is sufficient value in its collateral to support an award of fees.

The court will issue a minute order.

77. [09-21746](#)-B-13J JAMES ANTHONY DIPINTO
DGN #1

HEARING - OBJECTION
TO CONFIRMATION OF
DEBTOR'S PROPOSED
CHAPTER 13 PLAN
3-23-09 [[20](#)]

Tentative Ruling: Due to the size of this calendar (203 matters), the court issues the following abbreviated tentative ruling. Any party may at the hearing request a more explanatory Disposition After Oral Argument.

Creditor Ford Motor Credit Company's objections are sustained, and the motion to confirm the plan filed February 2, 2009 is denied.

The court will issue a minute order.

78. [09-21746](#)-B-13J JAMES DIPINTO
JPJ #1

HEARING - TRUSTEE'S
OBJECTION TO CONFIRMATION OF
THE CHAPTER 13 PLAN AND
CONDITIONAL MOTION TO
DISMISS CASE
3-24-09 [[24](#)]

Tentative Ruling: The trustee's objection and motion to dismiss are governed by the procedures of LBR 9014-1(f)(2). Opposition may be presented at the hearing. Subject to such opposition and due to the size of this calendar (203 matters), the court issues the following abbreviated tentative ruling. Any party may request a more explanatory ruling at the hearing.

The trustee's objections are sustained. Confirmation of the plan filed February 2, 2009 is denied. The trustee's motion to dismiss is conditionally denied, with the conditions being that on or before May 5, 2009, the debtor files a new plan and a motion to confirm the new plan, properly serves the new plan and the motion, and sets the motion for hearing on the next available chapter 13 calendar that provides proper notice.

The court will issue a minute order.

79. [08-39249](#)-B-13J EUGENE/KATHRYN DOLE
ADS #1

HEARING - MOTION
TO VALUE COLLATERAL OF
AMERICA'S SERVICING CO.
3-10-09 [[18](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the size of this calendar (203 matters), the court issues the following abbreviated ruling.

In the absence of opposition, the motion to value collateral pursuant to Fed. R. Bankr. P. 3012 and 11 U.S.C. § 506(a), is granted. \$0.00 of creditor's claim secured by the second deed of trust on real property located at 619 Manzanita Avenue, Roseville, CA 95678 ("Property") is a secured claim, and the balance of its claim is an unsecured claim.

For the purposes of this motion, the Property had a value of \$325,000.00 on the date of the petition. The Property is encumbered by a first deed of trust held by America's Servicing Company with a balance of approximately \$408,890.26. Thus, the value of the collateral available to America's Servicing Company on its second deed of trust is \$0.00.

The court will issue a minute order.

80. [09-21749](#)-B-13J CLIFFORD ALEXANDER AND HEARING - MOTION FOR
CYB #2 KIMBERLY STANFORD CONFIRMATION OF DEBTOR'S
CHAPTER 13 PLAN
2-23-09 [[12](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the size of this calendar (203 matters), the court issues the following abbreviated ruling.

The motion is granted, and the plan filed February 19, 2009 will be confirmed.

The court will issue a minute order granting the motion. Counsel for the debtors shall submit an order using EDC form 3-081-03 (Rev. 7/1/03) that conforms to the court's ruling and which has been approved by the trustee. The title of the order shall include a specific reference to the filing date of the amended plan.

81. [09-21050](#)-B-13J MARGARITA ESPINOZA HEARING - TRUSTEE'S
JPJ #1 OBJECTION TO DEBTOR'S CLAIM
OF EXEMPTION
3-11-09 [[19](#)]

Disposition Without Oral Argument: The objection is overruled as moot.

On April 15, 2009, the debtor filed an amended Schedule C. (Dkt. 32). The filing of the amended Schedule C constitute a withdrawal of the Schedule C to which the trustee's objection is directed.

The court will issue a minute order.

82. [08-23752](#)-B-13J DALE/SHANNON LUDWICK HEARING - MOTION
FEC #2 TO CONFIRM DEBTORS' FIRST
MODIFIED CHAPTER 13 PLAN
3-9-09 [[74](#)]

Tentative Ruling: Due to the size of this calendar (203 matters), the court issues the following abbreviated tentative ruling. Any party may at the hearing request a more explanatory Disposition After Oral Argument.

The trustee's objection is sustained, and the motion to confirm the plan filed March 9, 2009 is denied.

The court will issue a minute order.

83. [07-30253](#)-B-13J JAMES/DEBORAH LEACH
SDB #5

HEARING - MOTION TO
MODIFY CHAPTER 13 PLAN
AFTER CONFIRMATION
3-11-09 [[87](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the size of this calendar (203 matters), the court issues the following abbreviated ruling.

The motion is granted, and the modified plan filed March 11, 2009 is confirmed.

The court will issue a minute order.

84. [09-21653](#)-B-13J JASEN/DAWNJA STRIBLING
JCK #2

HEARING - DEBTORS'
MOTION TO CONFIRM FIRST
AMENDED CHAPTER 13 PLAN
3-10-09 [[18](#)]

Tentative Ruling: Due to the size of this calendar (203 matters), the court issues the following abbreviated tentative ruling. Any party may at the hearing request a more explanatory Disposition After Oral Argument.

The trustee's objection is sustained, and the motion to confirm the plan filed March 10, 2009 is denied.

The court will issue a minute order.

85. [09-21653](#)-B-13J JASEN/DAWNJA STRIBLING
JCK #2

HEARING - TRUSTEE'S
COUNTER MOTION TO
CONDITIONALLY DISMISS
CASE
4-6-09 [[25](#)]

Tentative Ruling: The trustee's countermotion is governed by the procedures of LBR 9014-1(f)(2). Opposition may be presented at the hearing. Subject to such opposition and due to the size of this calendar (203 matters), the court issues the following abbreviated tentative ruling.

The countermotion is conditionally denied, the conditions being that on or before May 5, 2009 the debtors file a new plan and a motion to confirm the new plan, properly serve the new plan and the motion, and set the motion for hearing on the next available chapter 13 calendar that provides proper notice.

The court will issue a minute order.

86. [09-21853](#)-B-13J ROBERT/CHRISTEE FISHER
JPJ #1

HEARING - TRUSTEE'S
OBJECTION TO CONFIRMATION OF
THE CHAPTER 13 PLAN AND
CONDITIONAL MOTION TO
DISMISS CASE
3-24-09 [[15](#)]

Tentative Ruling: The trustee's objection and motion to dismiss are governed by the procedures of LBR 9014-1(f)(2). Opposition may be presented at the hearing. Subject to such opposition and due to the size of this calendar (203 matters), the court issues the following abbreviated tentative ruling. Any party may at the hearing request a more explanatory Disposition After Oral Argument.

The attached motion to value the collateral of PPH Mortgage is denied without prejudice. The trustee's objections are sustained. Confirmation of the plan filed February 3, 2009 is denied. The trustee's motion to dismiss is conditionally denied, the conditions being that on or before May 5, 2009 the debtors file a new plan and a motion to confirm the new plan, properly serve the new plan and the motion, and set the motion for hearing on the next available chapter 13 calendar that provides proper notice.

Debtors failed to file or serve a separate notice of the attached motion to value collateral required by Paragraph 3(b) of General Order 05-03. Debtors also failed to specify which senior deed of trust has priority over the lien of PPH Mortgage.

The court will issue a minute order.

87. [09-21853](#)-B-13J ROBERT/CHRISTEE FISHER
RDS #1

HEARING - OBJECTION
TO CONFIRMATION OF PLAN BY
CHRISTY WATSON-BAILEY
3-25-09 [[18](#)]

Tentative Ruling: Due to the size of this calendar (203 matters), the court issues the following abbreviated tentative ruling. Any party may at the hearing request a more explanatory Disposition After Oral Argument.

Creditor Christy Watson-Bailey's ("Creditor") objections are sustained in part and overruled in part. Confirmation of the plan filed February 3, 2009 is denied.

Creditor's first objection is overruled because creditor has not analyzed the appropriate standard for assessing good faith and, thus, has not shown that the plan fails to comply with 11 U.S.C. § 1325(a)(3).

Creditor's second objection is sustained because the debtors testified at their meeting of creditors that they cannot strip off Creditor's second deed of trust. Accordingly, the plan fails to comply with 11 U.S.C. § 1325(a)(4).

Creditor's third objection is sustained under 11 U.S.C. § 1325(a)(5), for the reasons stated by creditor.

Creditor's fourth objection is overruled because creditor lacks standing to assert an objection under 11 U.S.C. § 1325(b)(1)(B). Creditor is neither the trustee nor the holder of an allowed unsecured claim.

The attached motion to value PPH Mortgage's collateral resolved elsewhere on this calendar.

The court will issue a minute order.

88. [07-29855](#)-B-13J GWENDOLYN/HORACE SIMPSON PGM #7 HEARING - MOTION TO CONFIRM DEBTORS' FIFTH AMENDED PLAN 3-10-09 [[160](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the size of this calendar (203 matters), the court issues the following abbreviated ruling.

The motion is granted, and the amended plan filed March 10, 2009 will be confirmed.

The court will issue a minute order granting the motion. Counsel for the debtors shall submit an order using EDC form 3-081-03 (Rev. 7/1/03) that conforms to the court's ruling and which has been approved by the trustee. The title of the order shall include a specific reference to the filing date of the amended plan.

89. [09-20855](#)-B-13J ANTONIO/YADIRA GUTIERREZ FF #1 HEARING - MOTION TO CONFIRM FIRST AMENDED CHAPTER 13 PLAN 3-3-09 [[26](#)]

Tentative Ruling: This motion was filed pursuant to LBR 9014-1(f)(1). In this instance, the court issues the following tentative ruling.

The motion to confirm the plan filed February 26, 2009 is denied.

Although no party in interest has objected to the motion, the court has an independent duty to determine whether the plan satisfies the requirements for confirmation. Chinichian v. Campolongo (In re Chinichian), 784 F.2d 1440, 1443-1444 (9th Cir. 1986) ("For a court to confirm a plan, each of the requirements of section 1325 must be present and the debtor has the burden of proving that each element has been met."), In re Lucas, 3 B.R. 252, 253 (Bankr. S.D. Cal. 1980) ("In order to confirm any Chapter 13 Plan, the court must be satisfied, by an independent analysis of the facts, that the plan meets all of the requirements of § 1325(a)."). Here, the plan fails to provide for all secured claims because debtors' motions to value the collateral of Fireside Bank were denied without prejudice elsewhere on this calendar. As a result, the plan fails to provide for Fireside Bank's full secured

claims in the amount of \$3,936.49 (POC 3) and \$5,449.71 (POC 4).

The court will issue a minute order.

90. [09-20855](#)-B-13J ANTONIO/YADIRA GUTIERREZ HEARING - MOTION
FF #2 TO VALUE COLLATERAL (VEHICLE)
FOR LIEN OF FIRESIDE BANK
3-3-09 [[32](#)]

Tentative Ruling: Due to the size of this calendar (203 matters), the court issues the following abbreviated tentative ruling. Any party may at the hearing request a more explanatory Disposition After Oral Argument.

The motion is denied without prejudice.

First, the motion was filed without a certificate of service. LBR 9014-1(e)(2). There is, therefore, no presumption of service on any party in interest. Second, debtor has submitted no evidence in support of the motion. LBR 9014-1(d)(6).

The court will issue a minute order.

91. [09-20855](#)-B-13J ANTONIO/YADIRA GUTIERREZ HEARING - MOTION
FF #3 TO VALUE COLLATERAL (VEHICLE)
FOR LIEN OF FIRESIDE BANK
3-3-09 [[30](#)]

Tentative Ruling: Due to the size of this calendar (203 matters), the court issues the following abbreviated tentative ruling. Any party may at the hearing request a more explanatory Disposition After Oral Argument.

The motion is denied without prejudice.

First, the motion was filed without a certificate of service. LBR 9014-1(e)(2). There is, therefore, no presumption of service on any party in interest. Second, debtor has submitted no evidence in support of the motion. LBR 9014-1(d)(6).

The court will issue a minute order.

92. [09-21156](#)-B-13J WILLIAM/GWENDOLYN BARKER HEARING - MOTION TO
JT #2 VALUE COLLATERAL OF BANK
OF THE WEST
3-23-09 [[23](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the size of this calendar (203 matters), the court issues the following abbreviated ruling.

The motion to value collateral pursuant to Fed. R. Bankr. P. 3012 and 11 U.S.C. § 506(a), is granted. \$5,000.00 of Bank of the West's claim secured by a 2006 Starcraft 25' travel trailer ("Collateral") is a secured claim, and the balance of such claim is an unsecured claim.

In the absence of opposition, for the purposes of this motion, the Collateral had a value of \$5,000.00 on the date of the petition.

The court will issue a minute order.

93. [09-21156](#)-B-13J WILLIAM/GWENDOLY BARKER HEARING - MOTION TO
JT #3 VALUE COLLATERAL OF CITIMORTGAGE
3-23-09 [[27](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the size of this calendar (203 matters), the court issues the following abbreviated ruling.

In the absence of opposition, the motion to value collateral pursuant to Fed. R. Bankr. P. 3012 and 11 U.S.C. § 506(a), is granted. \$0.00 of creditor's claim secured by the second deed of trust on real property located at 5035 Village Oaks Drive, Rocklin, CA 95677 ("Property") is a secured claim, and the balance of its claim is an unsecured claim.

For the purposes of this motion, the Property had a value of \$208,500.00 on the date of the petition. The Property is encumbered by a first deed of trust held by Citimortgage, Inc. with a balance of approximately \$240,079.00. Thus, the value of the collateral available to Citimortgage, Inc. on its second deed of trust is \$0.00.

The court will issue a minute order.

94. [09-21060](#)-B-13J CATHY SPIVEY HEARING - MOTION
PGM #1 TO VALUE COLLATERAL OF CALVARY
PORTFOLIO SERVICES/WINN & SIMS
3-17-09 [[24](#)]

Disposition Without Oral Argument: The motion is continued to May 19, 2009 at 9:30 a.m. On or before April 21, 2009, the date of this hearing, movant shall file and serve evidence to establish the existence of a judicial lien in favor of Calvary Portfolio Services/ Winn & Sims. In addition, on or before April 21, 2009, movant shall file and serve notice of the continued hearing on all parties in interest. Proofs of service for the evidence of the judicial lien and the notice of continued hearing shall be filed within three court days thereafter. LBR 9014-1(e)(2). If the movant fail to do any of the foregoing, the motion will be denied without prejudice.

The court will issue a minute order.

95. [09-22460](#)-B-13J JHOMAR PAGADUAN
SDB #1

HEARING - DEBTOR'S
MOTION FOR ORDER VALUING
COLLATERAL OF WELLS FARGO
AUTO FINANCE
3-12-09 [[14](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the size of this calendar (203 matters), the court issues the following abbreviated ruling.

The motion to value collateral pursuant to Fed. R. Bankr. P. 3012 and 11 U.S.C. § 506(a), is granted. \$11,750.00 of Wells Fargo Auto Finance's claim secured by a 2003 Honda Accord LX ("Collateral") is a secured claim, and the balance of such claim is an unsecured claim.

In the absence of opposition, for the purposes of this motion, the Collateral had a value of \$11,750.00 on the date of the petition.

The court will issue a minute order.

96. [09-22862](#)-B-13J JOHNNY/ROSA MONTES
MBB #1

HEARING - OBJECTION
TO PROPOSED CHAPTER 13 PLAN
AND CONFIRMATION THEREOF BY
COUNTRYWIDE HOME LOANS
3-20-09 [[16](#)]

Tentative Ruling: Creditor Countrywide Home Loans' ("Creditor") objection is governed by the procedures of LBR 9014-1(f)(2). Opposition may be presented at the hearing. Subject to such opposition and due to the size of this calendar (203 matters), the court issues the following abbreviated tentative ruling. Any party may at the hearing request a more explanatory Disposition After Oral Argument.

Creditor's objections are sustained. Creditor's request for dismissal of the chapter 13 case is denied. Confirmation of the plan filed February 20, 2009 is denied.

Creditor's request for dismissal is denied because creditor has not shown that it is legally entitled to the relief sought. Creditor's objection is sustained because its filed claim controls until it is amended or an objection to the claim is successfully prosecuted. However, the claim appears not to reflect the pre-petition loan modification described by the debtors.

The court will issue a minute order.

97. [09-21063](#)-B-13J ARSEN STEPANYAN
PGM #1

HEARING - MOTION
TO VALUE COLLATERAL OF
BANK OF AMERICA
3-17-09 [[26](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the size of this calendar (203 matters), the court issues the following abbreviated ruling.

In the absence of opposition, the motion to value collateral pursuant to Fed. R. Bankr. P. 3012 and 11 U.S.C. § 506(a), is granted. \$0.00 of creditor's claim secured by the second deed of trust on real property located at 7255 Londonderry Drive, Sacramento, CA 95827 ("Property") is a secured claim, and the balance of its claim is an unsecured claim.

For the purposes of this motion, the Property had a value of \$180,000.00 on the date of the petition. The Property is encumbered by a first deed of trust held by Bank of America with a balance of approximately \$211,433.25. Thus, the value of the collateral available to Bank of America on its second deed of trust is \$0.00.

The court will issue a minute order.

98. [08-35264](#)-B-13J SABRINA FRANKLIN
JRH #3

HEARING - MOTION
TO VALUE COLLATERAL OF REAL
PROPERTY NOTE AND DEED OF
TRUST
3-1-09 [[32](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the size of this calendar (203 matters), the court issues the following abbreviated ruling.

In the absence of opposition, the motion to value collateral pursuant to Fed. R. Bankr. P. 3012 and 11 U.S.C. § 506(a), is granted. \$0.00 of creditor's claim secured by the second deed of trust on real property located at 206 Santa Cruz Drive, Fairfield, CA 94533 ("Property") is a secured claim, and the balance of its claim is an unsecured claim.

For the purposes of this motion, the Property had a value of \$154,000.00 on the date of the petition. The Property is encumbered by a first deed of trust held by Wachovia Mortgage with a balance of approximately \$239,298.44. Thus, the value of the collateral available to Citi Financial on its second deed of trust is \$0.00.

The court will issue a minute order.

99. [08-35264](#)-B-13J SABRINA FRANKLIN
JRH #4

HEARING - MOTION
TO CONFIRM DEBTOR'S SECOND
AMENDED PLAN
3-10-09 [[36](#)]

Tentative Ruling: Due to the size of this calendar (203 matters), the court issues the following abbreviated tentative ruling. Any party may at the hearing request a more explanatory Disposition After Oral Argument.

The trustee's objections are sustained. The motion to confirm the plan filed March 10, 2009 is denied. The trustee's countermotion is conditionally denied, the conditions being that on or before May 5, 2009 the debtor files a new plan and a motion to confirm the new plan, properly serves the new plan and the motion, and sets the motion for hearing on the next available chapter 13 calendar that provides proper notice.

The court will issue a minute order.

100. [09-21864](#)-B-13J NITYA/SAVITA NAND
WGM #1

HEARING - OBJECTION TO
CONFIRMATION OF DEBTORS'
CHAPTER 13 PLAN BY JPMORGAN
CHASE BANK, NATIONAL ASSOC.
3-24-09 [[24](#)]

Disposition Without Oral Argument: The objection is overruled as moot because the bankruptcy case was converted to one under chapter 7 on April 17, 2009.

The court will issue a minute order.

101. [09-20265](#)-B-13J AGUSTIN/MARISA CARRERA
WGM #1

CONT. HEARING - OPPOSITION TO
DEBTORS' MOTION TO VALUE
COLLATERAL AND OBJECTION TO
CONFIRMATION OF DEBTORS'
CHAPTER 13 PLAN BY JPMORGAN
CHASE BANK, N.A.
2-26-09 [[20](#)]

CONT. FROM 3-24-09

Disposition Without Oral Argument: Oral argument will not aid the court in rendering a decision on this matter.

On April 16, 2009, counsel for the debtors and counsel for JP Morgan Chase Bank filed a stipulation resolving this matter, which was approved by order entered April 20, 2009 (Dkt. 36). This matter is therefore dropped from the calendar.

102. [09-22166](#)-B-13J PATRICK PERKINS
PLP #1

HEARING - MOTION
TO VALUE COLLATERAL
OF PATELCO
2-27-09 [[16](#)]

Tentative Ruling: Oral argument will not aid the court in rendering a decision on this matter. However, because the debtor is in pro se, the court issues the following tentative ruling.

The motion is denied without prejudice.

The motion is denied for procedural defects. Debtor has failed to file either a proof of service and an adequate notice of hearing with his motion in derogation of LBR 9014-1(e) and LBR 9014-1(d)(2), respectively. Debtor has also failed to submit any evidence supporting the motion in derogation of LBR 9014-1(d)(6).

The court will issue a minute order.

103. [09-22166](#)-B-13J PATRICK PERKINS
PLP #1

HEARING - MOTION TO
VALUE COLLATERAL OF PATELCO
2-27-09 [[18](#)]

Tentative Ruling: Oral argument will not aid the court in rendering a decision on this matter. However, because the debtor is in pro se, the court issues the following tentative ruling.

The motion is denied without prejudice.

The motion is denied for procedural defects. Debtor has failed to file either a proof of service and an adequate notice of hearing with his motion in derogation of LBR 9014-1(e) and LBR 9014-1(d)(2), respectively. Debtor has also failed to submit any evidence supporting the motion in derogation of LBR 9014-1(d)(6).

The court will issue a minute order.

104. [09-22166](#)-B-13J PATRICK PERKINS
PLP #1

HEARING - MOTION TO
VALUE COLLATERAL OF PATELCO
CREDIT UNION/INDYMAC BANK
2-27-09 [[20](#)]

Tentative Ruling: Oral argument will not aid the court in rendering a decision on this matter. However, because the debtor is in pro se, the court issues the following tentative ruling.

The motion is denied without prejudice.

The motion is denied for procedural defects. Debtor has failed to file either a proof of service and an adequate notice of hearing with his motion in derogation of LBR 9014-1(e) and LBR 9014-1(d)(2), respectively.

Debtor has also failed to submit any evidence supporting the motion in derogation of LBR 9014-1(d) (6).

The court will issue a minute order.

105. [09-22166](#)-B-13J PATRICK PERKINS
JPJ #1

HEARING - TRUSTEE'S
OBJECTION TO CONFIRMATION OF
THE CHAPTER 13 PLAN AND
CONDITIONAL MOTION TO
DISMISS CASE
3-24-09 [30]

Tentative Ruling: The trustee's objection and motion to dismiss are governed by the procedures of LBR 9014-1(f) (2). Opposition may be presented at the hearing. Subject to such opposition and due to the size of this calendar (203 matters), the court issues the following abbreviated tentative ruling. Any party may at the hearing request a more explanatory Disposition After Oral Argument.

The trustee's objection is sustained. Confirmation of the plan filed February 17, 2009 is denied. The trustee's motion to dismiss is conditionally denied, the conditions being that on or before May 5, 2009 the debtors file a new plan and a motion to confirm the new plan, properly serve the new plan and the motion, and set the motion for hearing on the next available chapter 13 calendar that provides proper notice.

The court will issue a minute order.

106. [09-22166](#)-B-13J PATRICK PERKINS
EAT #1

HEARING - OBJECTION TO
CONFIRMATION OF CHAPTER 13 PLAN
BY MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC.
3-25-09 [34]

Tentative Ruling: Creditor Mortgage Electronic Registration System, Inc.'s objection is governed by the procedures of LBR 9014-1(f) (2). Opposition may be presented at the hearing. Subject to such opposition and due to the size of this calendar (203 matters), the court issues the following abbreviated tentative ruling. Any party may at the hearing request a more explanatory Disposition After Oral Argument.

Creditor Mortgage Electronic Registration System, Inc.'s objection is sustained. Confirmation of the debtor's initial plan filed February 17, 2009 is denied.

The court will issue a minute order.

107. [09-22166](#)-B-13J PATRICK PERKINS
PLP #2

HEARING - MOTION TO
VALUE COLLATERAL OF WACHOVIA
DEALER SERVICES
2-27-09 [[22](#)]

Tentative Ruling: Due to the size of this calendar (203 matters), the court issues the following abbreviated tentative ruling. Any party may at the hearing request a more explanatory Disposition After Oral Argument.

The motion to value Bank of the Wachovia Dealer Services, Inc.'s ("WDSI") collateral, a 2001 Ford Mustang, at \$2,025.00 is denied without prejudice. WDSI's request for attorney's fees and costs is denied.

Debtor has submitted no evidence of the replacement value of the subject vehicle, which is the relevant value under 11 U.S.C. § 506(a)(2).

WDSI's request for attorney's fees and costs is denied because WDSI has not provided any evidence to support an award of fees.

The court will issue a minute order.

108. [09-22166](#)-B-13J PATRICK PERKINS
PLP #2

HEARING - OBJECTION TO
CONFIRMATION OF PLAN AND
COLLATERAL VALUATION MOTION
BY WACHOVIA DEALER SERVICES, INC
3-25-09 [[39](#)]

Tentative Ruling: Creditor Wachovia Dealer Services, Inc.'s objection is governed by the procedures of LBR 9014-1(f)(2). Opposition may be presented at the hearing. Subject to such opposition and due to the size of this calendar (203 matters), the court issues the following abbreviated tentative ruling. Any party may request a more explanatory Disposition After Oral Argument at the hearing.

Creditor Wachovia Dealer Services, Inc.'s ("WDSI") objection is sustained. Confirmation of the debtor's initial plan filed February 17, 2009 is denied. The court awards no fees and costs.

WDSI's request for attorney's fees and costs is denied because WDSI has not provided any evidence to support an award of fees.

The court will issue a minute order.

109. [09-20267](#)-B-13J GACIANO/ANICETA CASIS
JPJ #1

CONT. HEARING - TRUSTEE'S
OBJECTION TO CONFIRMATION OF
THE CHAPTER 13 PLAN AND
CONDITIONAL MOTION TO
DISMISS CASE
2-25-09 [[21](#)]

CONT. FROM 3-24-09

Tentative Ruling: This matter continued from March 24, 2009 to heard with the debtors' motion to value Beneficial California's collateral, and to allow for supplemental briefing as to how the debtors' amended Form 22C resolves the trustee's objection to plan confirmation. Nothing further has been filed in this matter. The trustee's objection and motion to dismiss are governed by the procedures of LBR 9014-1(f)(2). Opposition may be presented at the hearing. Subject to such opposition and due to the size of this calendar (203 matters), the court issues the following abbreviated tentative ruling. Any party may at the hearing request a more explanatory Disposition After Oral Argument.

The attached motion to value the collateral of Beneficial California is deemed withdrawn. The first attached motion to value the collateral of HSBC Auto Finance is granted. \$13,000.00 of HSBC Auto Finance's claim secured by a 2007 Toyota Tacoma is a secured claim, and the balance of its claim is an unsecured claim. The second attached motion to value the collateral of HSBC Auto Finance is granted. \$6,000.00 of HSBC Auto Finance's claim secured by a 2004 Toyota is a secured claim, and the balance of its claim is an unsecured claim. The trustee's objection is overruled, and confirmation of the plan filed January 8, 2009 will be confirmed. The trustee's motion to dismiss is denied.

Debtors filed a stand alone motion to value Beneficial California's claim on February 25, 2009, which motion is resolved elsewhere on this calendar.

For the purposes of the second attached motion, HSBC Auto Finance's collateral, a 2007 Toyota Tacoma, had a value of \$13,000.00 on the date of the petition.

For the purposes of the third attached motion, HSBC Auto Finance's collateral, a 2004 Toyota, had a value of \$6,000.00 on the date of the petition.

The trustee's objection is overruled because line 59 of debtors' amended Form B22C (Dkt. 37) shows a negative amount of \$314.92 (\$-314.92).

The court will issue a minute order granting the motion. Counsel for the debtors shall submit an order using EDC form 3-081-03 (Rev. 7/1/03) that conforms to the court's ruling and which has been approved by the trustee. The title of the order shall include a specific reference to the filing date of the amended plan.

110. [09-20267](#)-B-13J GACIANO/ANICETA CASIS
WGM #1

CONT. HEARING - OBJECTION TO
CONFIRMATION OF DEBTORS'
CHAPTER 13 PLAN AND OPPOSITION
TO MOTION TO VALUE COLLATERAL
BY HSBC CONSUMER LENDING
MORTGAGE SERVICES
2-26-09 [[28](#)]

CONT. FROM 3-24-09

Tentative Ruling: This matter continued from March 24, 2009 without a briefing schedule to be heard with debtors' motion to value Beneficial California's collateral. Creditor HSBC Consumer Lending Mortgage Services' objection and motion to dismiss are governed by the procedures of LBR 9014-1(f)(2). Opposition may be presented at the hearing. Subject to such opposition and due to the size of this calendar (203 matters), the court issues the following abbreviated tentative ruling. Any party may at the hearing request a more explanatory Disposition After Oral Argument.

Creditor HSBC Consumer Lending Mortgage Services' ("HSBC Mortgage") objection is overruled.

The attached motions to value two vehicles on which HSBC Auto Finance holds liens are resolved elsewhere on this calendar.

HSBC Mortgage's objection is overruled because the debtors' motion to value its claim was granted on April 7, 2009 (Dkt. 54). Confirmation of the plan filed January 8, 2009 is not granted because the trustee's objection to confirmation is sustained elsewhere on this calendar.

The court will issue a minute order.

111. [09-20267](#)-B-13J GACIANO/ANICETA CASIS
TJS #1

CONT. HEARING - OBJECTION
TO CONFIRMATION OF CHAPTER 13
PLAN BY HSBC AUTO FINANCE
2-27-09 [[32](#)]

CONT. FROM 3-24-09

Disposition Without Oral Argument: Oral argument will not aid the court in rendering a decision on this matter.

The objection to confirmation (D.C. No. TJS-1) was resolved by stipulation approved April 17, 2009. This matter is dropped from the calendar.

The court will issue a minute order.

112. [09-21767](#)-B-13J EMMA SOLIS
MDE #1

HEARING - OBJECTION TO
CONFIRMATION OF CHAPTER 13
PLAN BY NATIONSTAR MORTGAGE
3-18-09 [[13](#)]

Disposition Without Oral Argument: Oral argument will not aid the court in rendering a decision on this matter.

The objection is overruled as moot.

On April 15, 2009, the debtors filed an amended plan and motion to confirm. The filing of the amended plan constitutes a withdrawal of the plan to which Nationstar Mortgage's objection is directed.

The court will issue a minute order.

113. [08-25368](#)-B-13J MATTHEW/REBECCA HUEY
JT #2

HEARING - MOTION TO
MODIFY CHAPTER 13 PLAN
AFTER CONFIRMATION
3-16-09 [[33](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the size of this calendar (203 matters), the court issues the following abbreviated ruling.

The motion is granted, and the modified plan filed March 16, 2009 is confirmed.

The court will issue a minute order.

114. [09-21268](#)-B-13J JONATHAN/JEAN SUGUITAN
RWF #1

HEARING - MOTION TO
VALUE COLLATERAL OF HFC
3-11-09 [[13](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the size of this calendar (203 matters), the court issues the following abbreviated ruling.

In the absence of opposition, the motion to value collateral pursuant to Fed. R. Bankr. P. 3012 and 11 U.S.C. § 506(a), is granted. \$0.00 of HFC's claim secured by the second deed of trust on real property located at 5951 Via Casitas Avenue, Carmichael, CA 95608 ("Property") is a secured claim, and the balance of its claim is an unsecured claim.

For the purposes of this motion, the Property had a value of \$110,000.00 on the date of the petition. The Property is encumbered by a first deed of trust held by Countrywide Home Loans with a balance of approximately \$200,931.00. Thus, the value of the collateral available to HFC on its second deed of trust is \$0.00.

The court will issue a minute order.

115. [08-38870](#)-B-13J RITA CROW
LLT #1

HEARING - MOTION
TO CONFIRM FIRST AMENDED
CHAPTER 13 PLAN
3-6-09 [[24](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the size of this calendar (203 matters), the court issues the following abbreviated ruling.

The attached motion to value Countrywide Home Lending's collateral is deemed withdrawn. The motion is granted, and the amended plan filed March 6, 2009 will be confirmed.

The court will issue a minute order granting the motion. Counsel for the debtors shall submit an order using EDC form 3-081-03 (Rev. 7/1/03) that conforms to the court's ruling and which has been approved by the trustee. The title of the order shall include a specific reference to the filing date of the amended plan.

116. [08-38870](#)-B-13J RITA CROW
LLT #2

HEARING - MOTION
TO VALUE COLLATERAL OF
COUNTRYWIDE HOME LENDING
3-6-09 [[19](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the size of this calendar (203 matters), the court issues the following abbreviated ruling.

In the absence of opposition, the motion to value collateral pursuant to Fed. R. Bankr. P. 3012 and 11 U.S.C. § 506(a), is granted. \$0.00 of Countrywide Home Lending's claim secured by the second deed of trust on real property located at 6275 North Street, El Dorado, CA 95623 ("Property") is a secured claim, and the balance of its claim is an unsecured claim.

For the purposes of this motion, the Property had a value of \$212,500.00 on the date of the petition. The Property is encumbered by a first deed of trust held by Countrywide Home Loans with a balance of approximately \$238,642.00. Thus, the value of the collateral available to Countrywide Home Lending on its second deed of trust is \$0.00.

The court will issue a minute order.

117. [08-30673](#)-B-13J RAYMOND MORENO
PGM #1

HEARING - MOTION TO
MODIFY CHAPTER 13 PLAN
AFTER CONFIRMATION
3-12-09 [[17](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the size of this calendar (203 matters), the court issues the following abbreviated ruling.

The motion is granted, and the modified plan filed March 12, 2009 is confirmed.

The court will issue a minute order.

118. [08-32577](#)-B-13J DERECK/DORSEY PARKS
KB #3

HEARING - MOTION
TO CONFIRM THIRD AMENDED
CHAPTER 13 PLAN
3-19-09 [[56](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the size of this calendar (203 matters), the court issues the following abbreviated ruling.

The attached motion to value HSBC/MS' collateral is deemed withdrawn. The motion is granted, and the amended plan filed March 19, 2009 will be confirmed.

The attached motion to value is deemed withdrawn because a separate, stand alone motion to value the same collateral was granted on January 16, 2009 (Dkt. 42).

The court will issue a minute order granting the motion. Counsel for the debtors shall submit an order using EDC form 3-081-03 (Rev. 7/1/03) that conforms to the court's ruling and which has been approved by the trustee. The title of the order shall include a specific reference to the filing date of the amended plan.

119. [09-20777](#)-B-13J DENISE CHUN
MDE #1

CONT. HEARING - OBJECTION
TO CONFIRMATION OF CHAPTER 13
PLAN AND OPPOSITION TO MOTION
TO VALUE COLLATERAL OF HSBC
AUTO FINANCE
2-13-09 [[13](#)]

CONT. FROM 3-24-09

Disposition Without Oral Argument: This matter continued from March 24, 2009 without a briefing schedule to be heard with debtor's motion to value the collateral of HSBC Auto Finance. On March 24, 2009, the court also ordered the debtor to file on or before March 31, 2009 an amended plan that was signed by the debtor. The court advised debtor that if she failed to do so, confirmation of the plan filed January 15, 2009 would be denied. No amended, signed plan was filed by March 31, 2009.

The unsigned plan filed January 16, 2009 is stricken. Confirmation of the debtor's initial plan filed January 16, 2009 is therefore denied.

The unsigned plan is stricken under F.R.Bankr.P. 9011(a).

The court will issue a minute order.

120. [09-20777](#)-B-13J DENISE CHUN
ADS #1

HEARING - MOTION
TO VALUE COLLATERAL OF
HSBC AUTO FINANCE
3-10-09 [[19](#)]

Tentative Ruling: Due to the size of this calendar (203 matters), the court issues the following abbreviated tentative ruling. Any party may at the hearing request a more explanatory Disposition After Oral Argument.

This matter is continued to a final evidentiary hearing on Tuesday, May 19, 2009 at 1:30 p.m. before the Honorable Richard T. Ford in courtroom 32.

On or before May 12, 2009, each party shall serve on the other party all documentary evidence the party intends to present at the hearing and a witness list (which includes a general summary of the testimony of each designated witness). The parties shall also lodge on May 12, 2009, a judge's copy of all materials. The parties shall lodge and serve these documents regardless of whether they have filed them in the past with this court, and shall designate the documents as "Exhibits for Evidentiary Hearing on Motion to Value Collateral of HSBC Auto Finance." The judge's copies shall be submitted in a three-ring binder, tabbed as necessary. The hearing exhibits shall be pre-marked, with the creditor enumerating its exhibits as "1, 2, 3....," and debtor enumerating his exhibits "A, B, C...."

The court will issue a minute order.

121. [08-36278](#)-B-13J EMMA MCZEEK-TANKO
JT #2

HEARING - MOTION TO
CONFIRM THIRD AMENDED
CHAPTER 13 PLAN
3-9-09 [[39](#)]

Tentative Ruling: Due to the size of this calendar (203 matters), the court issues the following abbreviated tentative ruling. Any party may at the hearing request a more explanatory Disposition After Oral Argument.

The trustee's objections are sustained, and the motion to confirm the plan filed March 9, 2009 is denied.

The court will issue a minute order.

122. [08-36278](#)-B-13J EMMA MCZEEK-TANKO
JT #2

HEARING - TRUSTEE'S
COUNTER MOTION TO CONDITIONALLY
DISMISS CASE
4-6-09 [[50](#)]

Tentative Ruling: The trustee's countermotion is governed by the procedures of LBR 9014-1(f)(2). Opposition may be presented at the hearing. Subject to such opposition and due to the size of this calendar (203 matters), the court issues the following abbreviated tentative

ruling.

The countermotion is conditionally denied, the conditions being that on or before May 5, 2009 the debtor files a new plan and a motion to confirm the new plan, properly serves the new plan and the motion, and sets the motion for hearing on the next available chapter 13 calendar that provides proper notice.

The court will issue a minute order.

123. [09-23278](#)-B-13J TONI GALEA
MWB #1

HEARING - MOTION TO
VALUE COLLATERAL OF AMERICAN
GENERAL, SECOND DEED OF TRUST
3-10-09 [[12](#)]

Tentative Ruling: Due to the size of this calendar (203 matters), the court issues the following abbreviated tentative ruling. Any party may at the hearing request a more explanatory Disposition After Oral Argument.

This matter is continued to a final evidentiary hearing on June 19, 2009 at 1:30 pm before the Honorable David E. Russell in courtroom 32.

On or before June 12, 2009, each party shall serve on the other party all documentary evidence the party intends to present at the hearing and a witness list (which includes a general summary of the testimony of each designated witness). The parties shall also lodge on June 12, 2009, a judge's copy of all materials. The parties shall lodge and serve these documents regardless of whether they have filed them in the past with this court, and shall designate the documents as "Exhibits for Evidentiary Hearing on the Motion to Value the Collateral of American General." The judge's copies shall be submitted in a three-ring binder, tabbed as necessary. The hearing exhibits shall be pre-marked, with the creditor enumerating its exhibits as "1, 2, 3...", and debtor enumerating his exhibits "A, B, C...."

The court will issue a minute order.

124. [09-23278](#)-B-13J TONI GALEA
MWB #2

HEARING - MOTION TO
VALUE COLLATERAL OF BENEFICIAL,
THIRD DEED OF TRUST
3-10-09 [[16](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the size of this calendar (203 matters), the court issues the following abbreviated ruling.

In the absence of opposition, the motion to value collateral pursuant to Fed. R. Bankr. P. 3012 and 11 U.S.C. § 506(a), is granted. \$0.00 of Beneficial Finance's claim secured by the third deed of trust on real property located at 11341 Iron Mountain Road, Redding, CA ("Property") is a secured claim, and the balance of its claim is an unsecured claim.

For the purposes of this motion, the Property had a value of \$200,000.00 on the date of the petition. The Property is encumbered by a first deed of trust held by National City Mortgage with a balance of approximately \$239,071.00. Thus, the value of the collateral available to Beneficial Finance on its third deed of trust is \$0.00.

The court will issue a minute order.

125. [09-21280](#)-B-13J RAMON ESQUIVIAS
ADS #1

HEARING - MOTION TO
VALUE COLLATERAL OF GMAC
MORTGAGE
3-20-09 [[18](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the size of this calendar (203 matters), the court issues the following abbreviated ruling.

In the absence of opposition, the motion to value collateral pursuant to Fed. R. Bankr. P. 3012 and 11 U.S.C. § 506(a), is granted. \$0.00 of GMAC Mortgage's claim secured by the second deed of trust on real property located at 1701 Westover Lane, Suisun City, CA 94585 ("Property") is a secured claim, and the balance of its claim is an unsecured claim.

For the purposes of this motion, the Property had a value of \$375,000.00 on the date of the petition. The Property is encumbered by a first deed of trust held by GMAC Mortgage with a balance of approximately \$442,883.56. Thus, the value of the collateral available to GMAC Mortgage on its second deed of trust is \$0.00.

The court will issue a minute order.

126. [08-35582](#)-B-13J ALLEN JOHNSON

HEARING - MOTION TO
CONFIRM PLAN
3-2-09 [[42](#)]

Tentative Ruling: Due to the size of this calendar (203 matters), the court issues the following abbreviated tentative ruling. Any party may at the hearing request a more explanatory Disposition After Oral Argument.

The trustee's objections are sustained. The motion to confirm the plan filed March 9, 2009 is denied.

The court also notes the following procedural defects. First, the movant's notice of hearing fails to specify whether and when written opposition must be filed. LBR 9014-1(d)(3) provides that "[t]he notice of hearing shall advise potential respondents whether and when written opposition must be filed, the deadline for filing and serving it, and the names and addresses of the persons who must be served with any opposition." LBR 9014-1(d)(3). Second, the movant failed to assign a docket control number to the instant motion. LBR 9014-1(c)(1) provides that "[i]n motions filed in the bankruptcy case, a Docket Control Number (designated as DC No.) shall be included by all parties immediately below

the case number on all pleadings and other documents, including proofs of service, filed in support of or opposition to motions." (emphasis added) LBR 9014-1(c)(1). Docket control numbers assist the court in its preparation for calendars and assist all parties in locating easily on the docket all papers related to a particular motion. Finally, the movant failed to file a proof of service in connection with the instant motion. LBR 9014-1(e)(2) provides that "[a] proof of service, in the form of a certificate of service, shall be filed with the Clerk concurrently with the pleadings or documents served, or not more than three (3) calendar days after they are filed." LBR 9014-1(e)(2). The proof of service must also be filed as a separate document and "shall bear a the Docket Control Number." LBR 9014-1(e)(3).

The court will issue a minute order.

127. [08-35582](#)-B-13J ALLEN JOHNSON

HEARING - TRUSTEE'S
COUNTER MOTION TO CONDITIONALLY
DISMISS CASE
4-6-09 [[56](#)]

Tentative Ruling: The trustee's countermotion is governed by the procedures of LBR 9014-1(f)(2). Opposition may be presented at the hearing. Subject to such opposition and due to the size of this calendar (203 matters), the court issues the following abbreviated tentative ruling.

The countermotion is conditionally denied, the conditions being that on or before May 5, 2009 the debtor files a new plan and a motion to confirm the new plan, properly serves the new plan and the motion, and sets the motion for hearing on the next available chapter 13 calendar that provides proper notice.

The court will issue a minute order.

128. [09-21282](#)-B-13J THOMAS/APRIL GORDON
ADS #1

HEARING - MOTION
TO VALUE COLLATERAL OF
COUNTRYWIDE HOME LOANS
3-13-09 [[17](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the size of this calendar (203 matters), the court issues the following abbreviated ruling.

In the absence of opposition, the motion to value collateral pursuant to Fed. R. Bankr. P. 3012 and 11 U.S.C. § 506(a), is granted. \$0.00 of Countrywide Home Loans' claim secured by the second deed of trust on real property located at 432 El Dorado Drive, Woodland Drive, Woodland, CA 95695 ("Property") is a secured claim, and the balance of its claim is an unsecured claim.

For the purposes of this motion, the Property had a value of \$255,000.00 on the date of the petition. The Property is encumbered by a first deed of trust held by Countrywide Home Loans with a balance of approximately

\$294,722.00. Thus, the value of the collateral available to Countrywide Home Loans on its second deed of trust is \$0.00.

The court will issue a minute order.

129. [08-39485](#)-B-13J STEFAN/ELIZABETH MATULICH HEARING - MOTION
SNM #3 TO VALUE COLLATERAL OF
HSBC BANK
3-11-09 [[37](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the size of this calendar (203 matters), the court issues the following abbreviated ruling.

In the absence of opposition, the motion to value collateral pursuant to Fed. R. Bankr. P. 3012 and 11 U.S.C. § 506(a), is granted. \$0.00 of HSBC Bank's claim secured by the second deed of trust on real property located at 774 Fairfax Court, Fairfield, CA 94534 ("Property") is a secured claim, and the balance of its claim is an unsecured claim.

For the purposes of this motion, the Property had a value of \$243,500.00 on the date of the petition. The Property is encumbered by a first deed of trust held by Countrywide Home Lending with a balance of approximately \$352,437.59. Thus, the value of the collateral available to HSBC Bank on its second deed of trust is \$0.00.

The court will issue a minute order.

130. [08-39485](#)-B-13J STEFAN/ELIZABETH MATULICH HEARING - MOTION TO
SNM #4 CONFIRM DEBTORS' THIRD
AMENDED PLAN
3-11-09 [[43](#)]

Disposition Without Oral Argument: Oral argument will not aid the court in rendering a decision on this matter.

The motion is denied as moot.

On March 17, 2009, the debtors filed a fourth amended plan and motion to confirm. The filing of the fourth amended plan and motion to confirm constitute a withdrawal of the plan and the instant motion.

The court will issue a minute order.

131. [08-39485](#)-B-13J STEFAN/ELIZABETH MATULICH HEARING - MOTION TO
SNM #5 CONFIRM DEBTORS' FOURTH
AMENDED PLAN
4-7-09 [[62](#)]

Disposition Without Oral Argument: Oral argument will not aid the court in rendering a decision on this matter.

The motion is denied as moot.

On April 9, 2009, the debtors filed a fifth amended plan and motion to confirm. The filing of the fifth amended plan and motion to confirm constitute a withdrawal of the plan and the instant motion.

132. [08-39485](#)-B-13J STEFAN/ELIZABETH MATULICH HEARING - TRUSTEE'S
SNM #5 COUNTER MOTION TO CONDITIONALLY
DISMISS CASE
4-6-09 [[66](#)]

Tentative Ruling: The trustee's countermotion to dismiss is governed by the procedures of LBR 9014-1(f)(2). Opposition may be presented at the hearing. Subject to such opposition and due to the size of this calendar (203 matters), the court issues the following abbreviated tentative ruling. Any party may at the hearing request a more explanatory Disposition After Oral Argument.

The chapter 13 trustee's countermotion to dismiss is denied without prejudice.

The debtors have filed a fifth amended plan and a motion to confirm it.

The court will issue a minute order.

133. [08-39485](#)-B-13J STEFAN/ELIZABETH MATULICH HEARING - MOTION
SNM #6 TO CONFIRM DEBTORS' FIFTH
AMENDED PLAN
4-9-09 [[70](#)]

Disposition Without Oral Argument: Oral argument will not aid the court in rendering a decision on this matter.

The motion is denied without prejudice for procedural defect.

The debtors set the motion to confirm pursuant to LBR 9014-1(f)(2). However, as debtors are proceeding to confirmation under G.O. 05-03 ¶8, this procedure is not available to them. G.O. 05-03 ¶8(a).

The court will issue a minute order.

134. [09-24386](#)-B-13J DAVID/NANCY PUMMILL HEARING - MOTION TO
JT #1 VALUE COLLATERAL OF HSBC
MORTGAGE
3-24-09 [[12](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the size of this calendar (203 matters), the court issues the following abbreviated ruling.

In the absence of opposition, the motion to value collateral pursuant to Fed. R. Bankr. P. 3012 and 11 U.S.C. § 506(a), is granted. \$0.00 of HSBC Mortgage's claim secured by the second deed of trust on real property located at 1716 Rebecca Drive, Yuba City, CA 95993 ("Property") is a secured claim, and the balance of its claim is an unsecured claim.

For the purposes of this motion, the Property had a value of \$219,000.00 on the date of the petition. The Property is encumbered by a first deed of trust held by Countrywide Home Loans with a balance of approximately \$295,571.00. Thus, the value of the collateral available to HSBC Mortgage on its second deed of trust is \$0.00.

The court will issue a minute order.

135. [08-33387](#)-B-13J THEODORE SCOTT
PGM #1

HEARING - MOTION
TO MODIFY CHAPTER 13 PLAN
AFTER CONFIRMATION
3-12-09 [[16](#)]

Tentative Ruling: Due to the size of this calendar (203 matters), the court issues the following abbreviated tentative ruling. Any party may at the hearing request a more explanatory Disposition After Oral Argument.

The trustee's objections are sustained. The motion to confirm the plan filed March 12, 2009 is denied.

The court will issue a minute order.

136. [08-38588](#)-B-13J GARY/ROBIN OWENS
TJW #1

CONT. HEARING - MOTION FOR
ORDER TO VALUE COLLATERAL OF
GMAC MORTGAGE (REAL PROPERTY)
2-13-09 [[19](#)]

CONT. FROM 3-24-09

Disposition Without Oral Argument: This motion is unopposed. Due to the size of this calendar (203 matters), the court issues the following abbreviated ruling.

In the absence of opposition, the motion to value collateral pursuant to Fed. R. Bankr. P. 3012 and 11 U.S.C. § 506(a), is granted. \$0.00 of GMAC Mortgage's claim secured by the second deed of trust on real property located at 470 Edwin Drive, Vacaville, CA ("Property") is a secured claim, and the balance of its claim is an unsecured claim.

For the purposes of this motion, the Property had a value of \$220,000.00 on the date of the petition. The Property is encumbered by a first deed of trust held by Countrywide Home Loans with a balance of approximately \$270,150.00. Thus, the value of the collateral available to GMAC Mortgage on its second deed of trust is \$0.00.

The court will issue a minute order.

137. [08-38588](#)-B-13J GARY/ROBIN OWENS
TJW #2

CONT. HEARING - MOTION
FOR ORDER TO VALUE COLLATERAL
OF TRAVIS CREDIT UNION
2-13-09 [[23](#)]

CONT. FROM 3-24-09

Disposition Without Oral Argument: This motion is unopposed. Due to the size of this calendar (203 matters), the court issues the following abbreviated ruling.

The motion to value collateral pursuant to Fed. R. Bankr. P. 3012 and 11 U.S.C. § 506(a), is granted. \$4,700.00 of Travis Credit Union's claim secured by a 2001 Dodge Ram 1500 ("Collateral") is a secured claim, and the balance of such claim is an unsecured claim.

In the absence of opposition, for the purposes of this motion, the Collateral had a value of \$4,700.00 on the date of the petition.

The court will issue a minute order.

138. [08-38588](#)-B-13J GARY/ROBIN OWENS
TJW #3

CONT. HEARING - MOTION
TO APPROVE FIRST AMENDED PLAN
2-13-09 [[27](#)]

CONT. FROM 3-24-09

Tentative Ruling: Due to the size of this calendar (203 matters), the court issues the following abbreviated tentative ruling. Any party may at the hearing request a more explanatory Disposition After Oral Argument.

The trustee's objection is overruled, and modified plan filed February 13, 2009 is confirmed with the following modification included in the order confirming the plan: 1) Debtor will make payments in the sum of \$305.56 per month for months one (1) through thirty-six (36).

With that modification, the court finds that the plan complies with 11 U.S.C. §§ 1322(a) & (b), 1323(c), 1325(a), and 1329.

The court will issue a minute order.

139. [08-38588](#)-B-13J GARY/ROBIN OWENS
TJW #3

CONT. HEARING - TRUSTEE'S
COUNTER MOTION TO CONDITIONALLY
DISMISS CASE
3-3-09 [[34](#)]

CONT. FROM 3-24-09

Tentative Ruling: The trustee's countermotion is governed by the procedures of LBR 9014-1(f)(2). Opposition may be presented at the hearing. Subject to such opposition and due to the size of this calendar (203 matters), the court issues the following abbreviated tentative

ruling.

The trustee's countermotion is denied.

The debtor's modified plan, filed February 13, 2009, was confirmed elsewhere on this calendar.

The court will issue a minute order.

140. [09-20689](#)-B-13J ANA SANCHEZ

HEARING - MOTION
TO CONFIRM AMENDED PLAN
3-18-09 [[32](#)]

Tentative Ruling: Due to the size of this calendar (203 matters), the court issues the following abbreviated tentative ruling. Any party may at the hearing request a more explanatory Disposition After Oral Argument.

The attached motion to avoid the judicial lien of Countrywide Home Loans Servicing is denied without prejudice. The attached motion to value the collateral of Countrywide Home Loans Servicing is denied without prejudice. The motion to confirm the plan filed March 18, 2009 is denied without prejudice for procedural defects. Alternatively, the chapter 13 trustee's objection is sustained and Countrywide Home Loans Servicing's objection is sustained, and the motion to confirm plan filed March 18, 2009 is denied on the merits.

Paragraph 8(a) of General Order 05-03, under which the attached motions are brought, contains no provision for attached motions. Even if the attached motions were permitted here, debtor has failed to file or serve a separate notice of the attached motion to value as required by G.O. 05-03.

Furthermore, the debtor filed the motion to confirm, the notice of hearing, and certificate of service as a single document, in derogation LBR 9014-1(d)(2) and LBR 9014-1(e)(3). The debtor also failed to assign a Docket Control Number to the motion to confirm. LBR 9014-1(c)(1) provides that "[i]n motions filed in the bankruptcy case, a Docket Control Number (designated as DC No.) shall be included by all parties immediately below the case number on all pleadings and other documents, including proofs of service, filed in support of or opposition to motions." (emphasis added) LBR 9014-1(c)(1). Docket control numbers assist the court in its preparation for calendars and assist all parties in locating easily on the docket all papers related to a particular motion.

Alternatively, the chapter 13 trustee's objection is sustained for the reasons stated therein. Countrywide Home Loan Servicing, Inc.'s objection is also sustained for the reasons stated therein.

The court will issue a minute order.

Tentative Ruling: The trustee's countermotion to dismiss is governed by the procedures of LBR 9014-1(f)(2). Opposition may be presented at the hearing. Subject to such opposition and due to the size of this calendar (203 matters), the court issues the following abbreviated tentative ruling. Any party may at the hearing request a more explanatory Disposition After Oral Argument.

The countermotion is conditionally denied, the conditions being that on or before May 5, 2009 the debtor files a new plan and a motion to confirm the new plan, properly serves the new plan and the motion, and sets the motion for hearing on the next available chapter 13 calendar that provides proper notice.

The court will issue a minute order.

Tentative Ruling: This objection is governed by the procedures of LBR 9014-1(f)(2). Opposition may be presented at the hearing. Subject to such opposition, and due to the size of this calendar (203 matters), the court issues the following abbreviated tentative ruling. Any party may at the hearing request a more explanatory Disposition After Oral Argument.

The objection is dismissed. The court will consider the merits of this objection in connection with the motion to confirm (Dkt. 32).

This objection was filed as a stand-alone objection to confirmation. Such objections are permitted only pursuant to G.O. 05-03 ¶ 3(c), which provides that a creditor may file an objection to confirmation of a proposed plan when either the trustee or the debtor serves the plan on parties in interest pursuant to ¶ 3(a) and a confirmation hearing date has been set in the Notice of Bankruptcy Case. In this instance, however, the debtor is proceeding to confirmation pursuant to G.O. 05-03 ¶ 8(a). The procedure for stand-alone objections is unavailable to creditors under ¶ 8(a). Rather, objections should be presented as opposition to the motion to confirm.

The court further notes that the movant failed to file a notice of hearing in derogation of LBR 9014-1(d)(2), which provides that "[e]very motion shall be accompanied by a separate notice of hearing stating the docket control number, the date and time of the hearing, the location of

the courthouse, the name of the judge hearing the motion, and the courtroom in which the hearing will be held.”

The court will issue a minute order.

143. [08-26390](#)-B-13J LISA ARTIGO-LANE
WSS #1

HEARING - MOTION TO
VALUE COLLATERAL OF COMPUTER
OF DELL FINANCIAL SERVICES, LLC
2-18-09 [[51](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the size of this calendar (203 matters), the court issues the following abbreviated ruling.

The motion to value collateral pursuant to Fed. R. Bankr. P. 3012 and 11 U.S.C. § 506(a), is granted. \$744.17 of Dell Financial Services' claim secured by Dell Computer Equipment ("Collateral") is a secured claim, and the balance of such claim is an unsecured claim.

In the absence of opposition, for the purposes of this motion, the Collateral had a value of \$744.17 on the date of the petition.

The court will issue a minute order.

144. [08-26390](#)-B-13J LISA ARTIGO-LANE
WSS #2

HEARING - MOTION TO
VALUE COLLATERAL OF FURNITURE
WITH AMERICAN GENERAL FINANCE
2-17-09 [[42](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the size of this calendar (203 matters), the court issues the following abbreviated ruling.

The motion to value collateral pursuant to Fed. R. Bankr. P. 3012 and 11 U.S.C. § 506(a), is granted. \$300.00 of American General Finance's claim secured by a Sofa, Ottoman, and Desk ("Collateral") is a secured claim, and the balance of such claim is an unsecured claim.

In the absence of opposition, for the purposes of this motion, the Collateral had a value of \$300.00 on the date of the petition.

The court will issue a minute order.

145. [08-26390](#)-B-13J LISA ARTIGO-LANE
WSS #3

HEARING - MOTION FOR
CONFIRMATION OF AMENDED PLAN
2-17-09 [[47](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the size of this calendar (203 matters), the court issues the following abbreviated ruling.

The motion is granted, and the amended plan filed February 17, 2009 will be confirmed.

The court will issue a minute order granting the motion. Counsel for the debtors shall submit an order using EDC form 3-081-03 (Rev. 7/1/03) that conforms to the court's ruling and which has been approved by the trustee. The title of the order shall include a specific reference to the filing date of the amended plan.

146. [06-21392](#)-B-13J GORDON BONES
SAC #3

HEARING - MOTION
TO CONFIRM SECOND AMENDED
CHAPTER 13 PLAN
3-2-09 [[51](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the size of this calendar (203 matters), the court issues the following abbreviated ruling.

The motion is granted, and the amended plan filed March 2, 2009 will be confirmed.

The court will issue a minute order granting the motion. Counsel for the debtors shall submit an order using EDC form 3-081-03 (Rev. 7/1/03) that conforms to the court's ruling and which has been approved by the trustee. The title of the order shall include a specific reference to the filing date of the amended plan.

147. [09-23693](#)-B-13J SHELLEY JONES
SS #1

HEARING - MOTION TO
VALUE COLLATERAL OF SCHOOLS
FINANCIAL CREDIT UNION
3-18-09 [[13](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the size of this calendar (203 matters), the court issues the following abbreviated ruling.

In the absence of opposition, the motion to value collateral pursuant to Fed. R. Bankr. P. 3012 and 11 U.S.C. § 506(a), is granted. \$0.00 of Schools Financial Credit Union's claim secured by the second deed of trust on real property located at 4788 Savoie Way, Sacramento, CA ("Property") is a secured claim, and the balance of its claim is an unsecured claim.

For the purposes of this motion, the Property had a value of \$315,000.00 on the date of the petition. The Property is encumbered by a first deed of trust held by Downey Savings & Loan with a balance of approximately \$372,882.00. Thus, the value of the collateral available to Schools Financial Credit Union on its second deed of trust is \$0.00.

The court will issue a minute order.

148. [09-21095](#)-B-13J OMAR/VANESSA FLORES
ADR #1

HEARING - DEBTORS'
MOTION FOR ORDER VALUING
COLLATERAL OF CHASE BANK
USA, N.A.
3-13-09 [[30](#)]

Tentative Ruling: Due to the size of this calendar (203 matters), the court issues the following abbreviated tentative ruling. Any party may at the hearing request a more explanatory Disposition After Oral Argument.

The motion to value the collateral of American General is denied without prejudice.

Debtors have submitted no evidence of the value of the subject property other than their opinion. Debtors' opinion of value, while admissible under Fed. R. Evid. 701, is not persuasive where creditor submits admissible evidence of value that includes the Retail Installment Sale Contract Simple Interest Finance Charge, Certificate of Title, and Kelley Blue Book valuation (admissible under Fed. R. Evid. 402 as relevant evidence and not inadmissible as hearsay under Fed. R. Evid. 803(17)).

The court will issue a minute order.

149. [09-21095](#)-B-13J OMAR/VANESSA FLORES
TJS #1

CONT. HEARING - OBJECTION TO
CONFIRMATION OF CHAPTER 13 PLAN
AND MOTION TO VALUE COLLATERAL
BY JP MORGAN CHASE BANK, N.A.
2-11-09 [[20](#)]

CONT. FROM 4-7-09

Tentative Ruling: Creditor JP Morgan Chase Bank's objection is governed by the procedures of LBR 9014-1(f)(2). Opposition may be presented at the hearing. Subject to such opposition and due to the size of this calendar (203 matters), the court issues the following abbreviated tentative ruling. Any party may at the hearing request a more explanatory Disposition After Oral Argument.

JP Morgan Chase Bank's objection is sustained. Confirmation of the plan filed January 23, 2009 is denied.

The court will issue a minute order.

150. [09-20496](#)-B-13J WENDY KERSKI
SDH #1

HEARING - OBJECTION TO
PROOF OF CLAIM NO. 3 FILED BY
CHASE HOME FINANCE, LLC
3-4-09 [[27](#)]

Tentative Ruling: Due to the size of this calendar (203 matters), the court issues the following abbreviated tentative ruling. Any party may at the hearing request a more explanatory Disposition After Oral Argument.

Debtor's objection is overruled as moot. Debtor's request for attorney's fees is denied without prejudice. Creditor Chase Home Finance's request to include pre-petition arrears through its opposition to debtor's objection is denied.

Chase Home Finance's last amended proof of claim (POC 4) does not include pre-petition arrears.

Debtor's request for attorney's fees must be made by motion. F.R.Bankr.P. 9021, incorporating F.R.Civ..P. 58(e), incorporating F.R.Civ..P. 54(d) (2).

The court will issue a minute order.

151. [09-22396](#)-B-13J MYKEL/DORIS SINGLETON
JFP #1

HEARING - OBJECTION TO
CONFIRMATION OF PROPOSED
CHAPTER 13 PLAN BY AMERICREDIT
FINANCIAL SERVICES, INC.
3-18-09 [[13](#)]

Tentative Ruling: Creditor Americredit Financial Services, Inc.'s objection is governed by the procedures of LBR 9014-1(f) (2). Opposition may be presented at the hearing. Subject to such opposition and due to the size of this calendar (203 matters), the court issues the following abbreviated tentative ruling. Any party may at the hearing request a more explanatory Disposition After Oral Argument.

The objection to confirmation (D.C. No. JFP-1) is continued to June 16, 2009 at 9:30 a.m. to be heard after the resolution of debtors' motion to value the 2006 Nissan Armada.

The court will issue a minute order.

152. [09-22396](#)-B-13J MYKEL/DORIS SINGLETON
KAK #1

HEARING - MOTION TO
VALUE COLLATERAL SECURED BY THE
CLAIM OF AMERICREDIT FINANCIAL
3-23-09 [[18](#)]

Tentative Ruling: Due to the size of this calendar (203 matters), the court issues the following abbreviated tentative ruling. Any party may at the hearing request a more explanatory Disposition After Oral Argument.

This matter is continued to a final evidentiary hearing on June 15, 2009 at 1:30 p.m. before the Honorable David E. Russell in courtroom 32.

On or before June 8, 2009, each party shall serve on the other party all documentary evidence the party intends to present at the hearing and a witness list (which includes a general summary of the testimony of each designated witness). The parties shall also lodge on June 8, 2009, a judge's copy of all materials. The parties shall lodge and serve these documents regardless of whether they have filed them in the past with this court, and shall designate the documents as "Exhibits for Evidentiary Hearing on Motion to Value Americredit Financial Services, Inc.'s Collateral." The judge's copies shall be submitted in a three-ring binder, tabbed as necessary. The hearing exhibits shall be pre-marked, with the creditor enumerating its exhibits as "1, 2, 3...", and debtor enumerating his exhibits "A, B, C...."

The court will issue a minute order.

153. [08-21297](#)-B-13J MICHAEL STELLA
RDS #1

CONT. HEARING - OBJECTION
TO CLAIMS OF CITIFINANCIAL
MORTGAGE COMPANY
1-5-09 [[14](#)]

CONT. FROM 2-24-09

Disposition Without Oral Argument: This matter was withdrawn by the objecting party on April 16, 2009 and is removed from the calendar.

154. [09-21097](#)-B-13J SUSAN MANGINO
ADR #1

HEARING - MOTION
FOR ORDER VALUING COLLATERAL
OF SAFE CREDIT UNION
3-19-09 [[14](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the size of this calendar (203 matters), the court issues the following abbreviated ruling.

In the absence of opposition, the motion to value collateral pursuant to Fed. R. Bankr. P. 3012 and 11 U.S.C. § 506(a), is granted. \$0.00 of Safe Credit Union's claim secured by the second deed of trust on real property located at 2265 El Feliz Way, Sacramento, CA 95825 ("Property") is a secured claim, and the balance of its claim is an unsecured claim.

For the purposes of this motion, the Property had a value of \$175,000.00 on the date of the petition. The Property is encumbered by a first deed of trust held by Countrywide Home Loans with a balance of approximately \$245,902.00. Thus, the value of the collateral available to Safe Credit Union on its second deed of trust is \$0.00.

The court will issue a minute order.

155. [06-20298](#)-B-13J BEVERLY TRENT
SDB #3

HEARING - MOTION TO
MODIFY CHAPTER PLAN AFTER
CONFIRMATION
3-11-09 [[129](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the size of this calendar (203 matters), the court issues the following abbreviated ruling.

The motion is granted, and the modified plan filed March 11, 2009 is confirmed.

The court will issue a minute order.

156. [08-38499](#)-B-13J JAMES/ORALIA RODRIGUEZ
HDR #2

HEARING - MOTION TO
CONFIRM AMENDED CHAPTER 13 PLAN
3-10-09 [[30](#)]

Tentative Ruling: Due to the size of this calendar (203 matters), the court issues the following abbreviated tentative ruling. Any party may at the hearing request a more explanatory Disposition After Oral Argument.

The trustee's objection is sustained, and the motion to confirm the plan filed March 10, 2009 is denied.

The court will issue a minute order.

157. [08-38499](#)-B-13J JAMES/ORALIA RODRIGUEZ
HDR #2

HEARING - TRUSTEE'S
COUNTER MOTION TO CONDITIONALLY
DISMISS CASE
4-6-09 [[42](#)]

Tentative Ruling: The trustee's countermotion is governed by the procedures of LBR 9014-1(f)(2). Opposition may be presented at the hearing. Subject to such opposition, the court issues the following abbreviated tentative ruling.

The countermotion is conditionally denied, the conditions being that on or before May 5, 2009 the debtors file a new plan and a motion to confirm the new plan, properly serve the new plan and the motion, and set the motion for hearing on the next available chapter 13 calendar that provides proper notice.

The court will issue a minute order.

158. [08-27803](#)-B-13J VICTOR ARRUE
TJS #1
JP MORGAN CHASE BANK, N.A., VS.

HEARING - MOTION FOR
RELIEF FROM AUTOMATIC STAY
4-8-09 [[25](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the size of this calendar (203 matters), the court issues the following abbreviated ruling.

The motion is granted in part. The automatic stay is modified as against the estate and the debtor pursuant to 11 U.S.C. § 362(d)(1) & (d)(2) in order to permit the movant to obtain possession of its collateral, a 2007 GMC Savana (VIN 1GTFG15X671133609) ("Vehicle"), to dispose of it pursuant to applicable law, and to use the proceeds from its disposition to satisfy its claim including any attorneys' fees awarded herein. The 10-day period specified in Fed. R. Bankr. P. 4001(a)(3) is ordered waived. Except as so ordered, the motion is denied.

The court confirmed a plan on December 16, 2008 (Dkt. 20). Once a plan is confirmed, the only ground for granting relief from stay is a breach of that plan. See Ellis v. Parr (In re Ellis), 60 B.R. 432, 435 (9th Cir. BAP 1985). Movant alleges without dispute that the debtor has failed to make at least two (2) plan payments. Therefore, the court finds that the debtor is in default under the confirmed plan.

The court will issue a minute order.

159. [09-22104](#)-B-13J JAMES/JESSICA MURRAY
SW #1

HEARING - OBJECTION
TO CONFIRMATION OF PLAN
AND COLLATERAL VALUATION
MOTION
4-3-09 [[18](#)]

Disposition Without Oral Argument: Oral argument will not aid the court in rendering a decision on this matter.

The objection to confirmation is overruled.

The objection is untimely. Movant filed the objection on April 3, 2009. General Order 05-03 ¶ 3(c) and the Notice of Chapter 13 Bankruptcy Case, Meeting of Creditors & Deadlines (Dkt. 10) required objections to confirmation and opposition to any attached motions to value to be filed by March 26, 2009.

The court will issue a minute order.

160. [09-23106](#)-B-13J STEPAN DENISYUK

HEARING - ORDER
TO SHOW CAUSE RE DISMISSAL
OF CASE OR IMPOSITION OF
SANCTIONS
4-1-09 [[24](#)]

Disposition Without Oral Argument: The order to show cause is discharged as moot because the automatic dismissal of this bankruptcy case on April

13, 2009 was confirmed by order entered on April 17, 2009 (Dkt. 27). No monetary sanctions are imposed.

The court will issue a minute order.

161. [09-21308](#)-B-13J JOHNNY/CANDIE PASCO HEARING - MOTION
TO VALUE COLLATERAL OF
WACHOVIA MORTGAGE FSB
3-19-09 [[16](#)]

Disposition Without Oral Argument: Oral argument will not aid the court in rendering a decision on this matter.

The motion to value Wachovia Mortgage's collateral is denied without prejudice for procedural defects.

The debtors failed to file adequate notice of hearing in derogation of LBR 9014-1(d)(3). Additionally, the debtors failed to assign a Docket Control Number to this matter, in derogation of LBR 9014-1(c)(1). Docket control numbers assist the court in its preparation for calendars and assist all parties in locating easily on the docket all papers related to a particular motion.

The court will issue a minute order.

162. [09-22608](#)-B-13J DIANE YONG HEARING - TRUSTEE'S
JPJ #1 OBJECTION TO CONFIRMATION OF
THE CHAPTER 13 PLAN AND
CONDITIONAL MOTION TO
DISMISS CASE
4-1-09 [[20](#)]

Tentative Ruling: The trustee's objection and motion to dismiss are governed by the procedures of LBR 9014-1(f)(2). Opposition may be presented at the hearing. Subject to such opposition and due to the size of this calendar (203 matters), the court issues the following abbreviated tentative ruling. Any party may at the hearing request a more explanatory Disposition After Oral Argument.

The trustee's objection is sustained. Confirmation of the plan filed February 17, 2009 is denied. The trustee's motion to dismiss is conditionally denied, the conditions being that on or before May 5, 2009, the debtor files a new plan and a motion to confirm the new plan, properly serves the new plan and the motion, and sets the motion for hearing on the next available chapter 13 calendar that provides proper notice.

The court will issue a minute order.

163. [09-22608](#)-B-13J DIANE YONG
WGM #1

HEARING - OPPOSITION
TO DEBTOR'S MOTION TO VALUE
COLLATERAL AND OBJECTION TO
CONFIRMATION OF CHAPTER 13 PLAN
BY JPMORGAN CHASE BANK, N.A.
4-2-09 [[26](#)]

Disposition Without Oral Argument: The motion is continued to May 5, 2009 at 9:30 a.m. to be heard with debtor's motion to value the collateral of JP Morgan Chase Bank.

The court will issue a minute order.

164. [09-22609](#)-B-13J LORI CAMPBELL
JPJ #1

HEARING - TRUSTEE'S
OBJECTION TO CONFIRMATION OF
THE CHAPTER 13 PLAN AND
CONDITIONAL MOTION TO
DISMISS CASE
4-1-09 [[16](#)]

Tentative Ruling: The trustee's objection and motion to dismiss are governed by the procedures of LBR 9014-1(f)(2). Opposition may be presented at the hearing. Subject to such opposition and due to the size of this calendar (203 matters), the court issues the following abbreviated tentative ruling. Any party may at the hearing request a more explanatory Disposition After Oral Argument.

The attached motion to value is deemed withdrawn. The trustee's objection is sustained. Confirmation of the plan filed February 17, 2009 is denied. The trustee's motion to dismiss is conditionally denied, the conditions being that on or before May 5, 2009, the debtor files a new plan and a motion to confirm the new plan, properly serves the new plan and the motion, and sets the motion for hearing on the next available chapter 13 calendar that provides proper notice.

The court will issue a minute order.

165. [09-21910](#)-B-13J CECIL JAMES WALLACE
SW #1
WACHOVIA DEALER
SERVICES, INC., VS.

CONT. HEARING - MOTION FOR
RELIEF FROM AUTOMATIC STAY
3-23-09 [[16](#)]

CONT. FROM 4-7-09

Disposition Without Oral Argument: The motion is denied as moot because the bankruptcy case was dismissed by order entered on April 17, 2009. (Dkt. 41).

The court will issue a minute order.

166. [09-21910](#)-B-13J CECIL WALLACE, II
SW #2
WACHOVIA DEALER
SERVICES, INC., VS.

CONT. HEARING - MOTION FOR
RELIEF FROM THE CO-DEBTOR STAY
3-23-09 [[22](#)]

CONT. FROM 4-7-09

Disposition Without Oral Argument: The motion is denied as moot because the bankruptcy case was dismissed by order entered on April 17, 2009. (Dkt. 41).

The court will issue a minute order.

167. [09-23018](#)-B-13J THOMAS MCDONALD

HEARING - ORDER
TO SHOW CAUSE RE DISMISSAL
OF CASE OR IMPOSITION OF
SANCTIONS
3-31-09 [[16](#)]

Disposition Without Oral Argument: The order to show cause is discharged as moot because the automatic dismissal of this bankruptcy case on April 10, 2009 was confirmed by order entered on April 17, 2009 (Dkt. 19). No monetary sanctions are imposed.

The court will issue a minute order.

168. [09-22522](#)-B-13J CHAD GELISSE
JPJ #1

HEARING - TRUSTEE'S
OBJECTION TO CONFIRMATION OF
THE CHAPTER 13 PLAN AND
CONDITIONAL MOTION TO
DISMISS CASE
4-1-09 [[28](#)]

Tentative Ruling: The trustee's objection and motion to dismiss are governed by the procedures of LBR 9014-1(f)(2). Opposition may be presented at the hearing. Subject to such opposition and due to the size of this calendar (203 matters), the court issues the following abbreviated tentative ruling. Any party may at the hearing request a more explanatory Disposition After Oral Argument.

The trustee's objection is sustained. Confirmation of the plan filed February 13, 2009 is denied. The trustee's motion to dismiss is conditionally denied, the conditions being that on or before May 5, 2009 the debtors file a new plan and a motion to confirm the new plan, properly serve the new plan and the motion, and set the motion for hearing on the next available chapter 13 calendar that provides proper notice.

The court will issue a minute order.

169. [09-23025](#)-B-13J ROSLYN SINGH

HEARING - ORDER
TO SHOW CAUSE RE DISMISSAL
OF CASE OR IMPOSITION OF
SANCTIONS
4-2-09 [[17](#)]

Disposition Without Oral Argument: The order to show cause is discharged as moot because the automatic dismissal of this bankruptcy case on April 10, 2009 was confirmed by order entered on April 17, 2009 (Dkt. 19). No monetary sanctions are imposed.

The court will issue a minute order.

170. [09-22327](#)-B-13J KAREN MARTIN
JPJ #1

HEARING - TRUSTEE'S
OBJECTION TO CONFIRMATION OF
THE CHAPTER 13 PLAN AND
CONDITIONAL MOTION TO
DISMISS CASE
4-1-09 [[19](#)]

Tentative Ruling: The trustee's objection and motion to dismiss are governed by the procedures of LBR 9014-1(f)(2). Opposition may be presented at the hearing. Subject to such opposition and due to the size of this calendar (203 matters), the court issues the following abbreviated tentative ruling. Any party may at the hearing request a more explanatory Disposition After Oral Argument.

The trustee's objections are sustained. Confirmation of the plan filed February 11, 2009 is denied. The trustee's motion to dismiss is conditionally denied, with the conditions being that on or before May 5, 2009, the debtor files a new plan and a motion to confirm the new plan, properly serves the new plan and the motion, and sets the motion for hearing on the next available chapter 13 calendar that provides proper notice.

The court will issue a minute order.

171. [09-22533](#)-B-13J DANNY/KIMBERLY MAYNARD
JPJ #1

HEARING - TRUSTEE'S
OBJECTION TO CONFIRMATION OF
THE CHAPTER 13 PLAN AND
CONDITIONAL MOTION TO
DISMISS CASE
4-1-09 [[17](#)]

Tentative Ruling: The trustee's objection and motion to dismiss are governed by the procedures of LBR 9014-1(f)(2). Opposition may be presented at the hearing. Subject to such opposition and due to the size of this calendar (203 matters), the court issues the following abbreviated tentative ruling. Any party may at the hearing request a more explanatory Disposition After Oral Argument.

The trustee's objections are sustained. Confirmation of the plan filed February 17, 2009 is denied. The trustee's motion to dismiss is conditionally denied, with the conditions being that on or before May 5, 2009, the debtor files a new plan and a motion to confirm the new plan, properly serves the new plan and the motion, and sets the motion for hearing on the next available chapter 13 calendar that provides proper notice.

The court will issue a minute order.

172. [09-22835](#)-B-13J SAKARIA TAGALOA HEARING - OBJECTION
TO CONFIRMATION OF CHAPTER
13 PLAN BY LITTON LOAN SERVICING
4-2-09 [[17](#)]

Tentative Ruling: Litton Loan Servicing's objection is governed by the procedures of LBR 9014-1(f)(2). Opposition may be presented at the hearing. Subject to such opposition and due to the size of this calendar (203 matters), the court issues the following abbreviated tentative ruling. Any party may at the hearing request a more explanatory Disposition After Oral Argument.

Litton Loan Servicing's objection is sustained. Confirmation of the plan filed February 19, 2009 is denied.

The court will issue a minute order.

173. [09-20138](#)-B-13J CHRISTOPHER FIGUEROA HEARING - MOTION
LAZ #1 TO DENY CONFIRMATION OF
CHAPTER 13 PLAN AND TO
DISMISS CASE
4-2-09 [[43](#)]

Disposition Without Oral Argument: The motion is denied as moot because the bankruptcy case was dismissed by order entered on April 9, 2009 (Dkt. 46).

The court will issue a minute order.

174. [09-21538](#)-B-13J ED DE LEON AND HEARING - OPPOSITION MOTION TO
WGM #1 GEMMA LOPEZ VALUE COLLATERAL OF BENEFICIAL/
HFC AND OBJECTION TO CONFIRMA-
TION OF CHAPTER 13 PLAN BY
HSBC CONSUMER LENDING
4-7-09 [[22](#)]

Disposition Without Oral Argument: Oral argument will not aid the court in rendering a decision on this matter.

The objection to confirmation is overruled.

The objection is untimely. Movant filed the objection on April 7, 2009. General Order 05-03 ¶ 3(c) and the Notice of Chapter 13 Bankruptcy Case, Meeting of Creditors & Deadlines (Dkt. 9) required objections to confirmation and opposition to any attached motions to value to be filed by March 12, 2009.

The court will issue a minute order.

175. [09-22838](#)-B-13J SIMEONA MCMAHON
JPJ #1

HEARING - TRUSTEE'S
OBJECTION TO CONFIRMATION OF
THE CHAPTER 13 PLAN AND
CONDITIONAL MOTION TO
DISMISS CASE
4-1-09 [[16](#)]

Tentative Ruling: The trustee's objection and motion to dismiss are governed by the procedures of LBR 9014-1(f)(2). Opposition may be presented at the hearing. Subject to such opposition and due to the size of this calendar (203 matters), the court issues the following abbreviated tentative ruling. Any party may at the hearing request a more explanatory Disposition After Oral Argument.

The trustee's objections are sustained. Confirmation of the plan filed February 20, 2009 is denied. The trustee's motion to dismiss is conditionally denied, the conditions being that on or before May 5, 2009, the debtor files a new plan and a motion to confirm the new plan, properly serves the new plan and the motion, and sets the motion for hearing on the next available chapter 13 calendar that provides proper notice.

The court will issue a minute order.

176. [09-22440](#)-B-13J JAMES FOX
SW #1

HEARING - OBJECTION
TO CONFIRMATION OF PLAN BY
WACHOVIA DEALER SERVICES, INC.
AND COLLATERAL VALUATION MOTION
4-2-09 [[15](#)]

Tentative Ruling: Wachovia Dealer Services, Inc.'s objection is governed by the procedures of LBR 9014-1(f)(2). Opposition may be presented at the hearing. Subject to such opposition and due to the size of this calendar (203 matters), the court issues the following abbreviated tentative ruling. Any party may at the hearing request a more explanatory Disposition After Oral Argument.

Wachovia Dealer Services, Inc.'s objection is sustained. Confirmation of the plan filed February 13, 2009 is denied.

The court will issue a minute order.

177. [09-21742](#)-B-13J ROY DUCKETT
RSS #1
DLJ MORTGAGE CAPITAL, INC., VS.

HEARING - MOTION FOR
RELIEF FROM AUTOMATIC STAY
(UNLAWFUL DETAINER)
4-1-09 [[18](#)]

Disposition Without Oral Argument: The motion is denied as moot this case was automatically dismissed at 12:01 am on March 20, 2009 pursuant to 11 U.S.C. § 521(i), which dismissal was previously confirmed by order signed April 17, 2009 (Dkt. 28).

The court will issue a minute order.

178. [09-21050](#)-B-13J MARGARITA ESPINOZA
JPJ #2

CONT. HEARING - TRUSTEE'S
OBJECTION TO CONFIRMATION OF
THE CHAPTER 13 PLAN AND
CONDITIONAL MOTION TO
DISMISS CASE
3-11-09 [[16](#)]

CONT. FROM 4-7-09

Tentative Ruling: This matter continued from April 7, 2009 to be heard with the chapter 13 trustee's objection to debtor's claim of exemption. Nothing further has been filed in this matter. The trustee's objection and motion to dismiss are governed by the procedures of LBR 9014-1(f)(2). Opposition may be presented at the hearing. Subject to such opposition and due to the size of this calendar (203 matters), the court issues the following abbreviated tentative ruling. Any party may at the hearing request a more explanatory Disposition After Oral Argument.

The trustee's objections are overruled. The trustee's motion to dismiss is denied. The initial plan filed January 22, 2009 will be confirmed.

The debtor filed an amended Schedule A and an amended Schedule C which resolve the trustee's objection.

Counsel for the debtors shall submit an order using EDC form 3-081-03 (Rev. 7/1/03) that conforms to the court's ruling and which has been approved by the trustee. The title of the order shall include a specific reference to the filing date of the initial plan.

179. [09-22851](#)-B-13J DANNY/KAREN HANLEY
TJS #1

HEARING - OBJECTION TO
CONFIRMATION OF CHAPTER 13
PLAN BY CHIEF PONTIAC FEDERAL
CREDIT UNION
4-1-09 [[19](#)]

Disposition Without Oral Argument: Oral argument will not aid the court in rendering a decision on this matter.

The objection is overruled as moot.

On April 10, 2009, the debtors filed an amended plan and motion to confirm. The filing of the amended plan and motion to confirm constitute a withdrawal of the plan to which the creditor's objection is directed.

The court will issue a minute order.

180. [09-22851](#)-B-13J DANNY/KAREN HANLEY
JPJ #1

HEARING - TRUSTEE'S
OBJECTION TO CONFIRMATION OF
THE CHAPTER 13 PLAN AND
CONDITIONAL MOTION TO
DISMISS CASE
4-1-09 [[28](#)]

Disposition Without Oral Argument: Oral argument will not aid the court in rendering a decision on this matter.

The objection is overruled as moot. The conditional motion to dismiss is denied as moot.

On April 10, 2009, the debtors filed an amended plan and motion to confirm. The filing of the amended plan and motion to confirm constitute a withdrawal of the plan to which the trustee's objection is directed.

The court will issue a minute order.

181. [09-24054](#)-B-13J MARTIN MARTINEZ

HEARING - ORDER
TO SHOW CAUSE RE DISMISSAL
OF CASE OR IMPOSITION OF
SANCTIONS
4-1-09 [[14](#)]

Tentative Ruling: The order to show cause is discharged because the debtor paid the missing fee in the amount of \$138.00 on April 10, 2009. No monetary sanctions are imposed.

The court will issue a minute order.

182. [09-21060](#)-B-13J CATHY SPIVEY
KAT #1

CONT. HEARING - OBJECTION
TO CONFIRMATION OF CHAPTER 13
PLAN BY DEUTSCHE BANK TRUST CO.
3-5-09 [[16](#)]

CONT. FROM 4-7-09

Disposition Without Oral Argument: This matter was withdrawn by the moving party on April 14, 2009 and is removed from the calendar.

183. [09-21060](#)-B-13J CATHY SPIVEY
JPJ #1

CONT. HEARING - TRUSTEE'S
OBJECTION TO CONFIRMATION OF
THE CHAPTER 13 PLAN AND
CONDITIONAL MOTION TO
DISMISS CASE
3-11-09 [[21](#)]

CONT. FROM 4-7-09

Tentative Ruling: This matter continued from April 7, 2009 without a briefing schedule. The debtor filed a supplementary document demonstrating how the amended Form 22 addresses the trustee's objections. In this instance, the court issues the following tentative ruling.

The trustee's objection is overruled. The motion is granted, and the initial plan filed January 22, 2009 will be confirmed. The trustee's conditional motion to dismiss is denied.

The court will issue a minute order overruling the objection, granting the motion and denying the conditional motion to dismiss. Counsel for the debtors shall submit an order confirming the plan using EDC form 3-081-03 (Rev. 7/1/03) which has been approved by the trustee. The title of the order shall include a specific reference to the filing date of the amended plan.

184. [09-22862](#)-B-13J JOHNNY/ROSA MONTES
JPJ #1

HEARING - TRUSTEE'S
OBJECTION TO CONFIRMATION OF
THE CHAPTER 13 PLAN AND
CONDITIONAL MOTION TO
DISMISS CASE
4-1-09 [[26](#)]

Tentative Ruling: The trustee's objection and motion to dismiss are governed by the procedures of LBR 9014-1(f)(2). Opposition may be presented at the hearing. Subject to such opposition and due to the size of this calendar (203 matters), the court issues the following abbreviated tentative ruling. Any party may at the hearing request a more explanatory Disposition After Oral Argument.

The attached motion to value the collateral of Bank of Stockton is deemed withdrawn. The attached motion to value the collateral of HSBC Mortgage Corp. is deemed withdrawn. The trustee's objection is sustained for the reasons stated therein. Confirmation of the plan filed February 20, 2009 is denied. The trustee's motion to dismiss is conditionally denied, the conditions being that on or before May 5, 2009 the debtors file a new plan and a motion to confirm the new plan, properly serve the new plan and the motion, and set the motion for hearing on the next available chapter 13 calendar that provides proper notice.

The court will issue a minute order.

185. [09-22862](#)-B-13J JOHNNY/ROSA MONTES
DN #1

HEARING - MOTION TO
VALUE COLLATERAL OF BANK
OF STOCKTON
4-7-09 [[32](#)]

Tentative Ruling: This is a properly filed motion under LBR 9014-1(f)(2). Opposition may be presented at the hearing. Therefore, the court issues no tentative ruling on the merits of the motion.

186. [09-22862](#)-B-13J JOHNNY/ROSA MONTES
DN #2

HEARING - MOTION TO
VALUE REAL PROPERTY OF HSBC
MORTGAGE CORP.
4-7-09 [[36](#)]

Tentative Ruling: This is a properly filed motion under LBR 9014-1(f)(2). Opposition may be presented at the hearing. Therefore, the court issues no tentative ruling on the merits of the motion.

187. [09-23262](#)-B-13J WILLIE WILKERSON

HEARING - ORDER
TO SHOW CAUSE RE DISMISSAL
OF CASE OR IMPOSITION OF
SANCTIONS
4-2-09 [[19](#)]

Disposition Without Oral Argument: The order to show cause is discharged as moot because the automatic dismissal of this bankruptcy case on April 14, 2009 was confirmed by order entered on April 17, 2009 (Dkt. 24). No monetary sanctions are imposed.

The court will issue a minute order.

188. [09-22365](#)-B-13J PHILLIP/JENNIFER GOLDSBY
JPJ #1

HEARING - TRUSTEE'S
OBJECTION TO CONFIRMATION OF
THE CHAPTER 13 PLAN AND
CONDITIONAL MOTION TO
DISMISS CASE
4-1-09 [[15](#)]

Tentative Ruling: The trustee's objection and motion to dismiss are governed by the procedures of LBR 9014-1(f)(2). Opposition may be presented at the hearing. Subject to such opposition and due to the size of this calendar (203 matters), the court issues the following abbreviated tentative ruling. Any party may at the hearing request a more explanatory Disposition After Oral Argument.

The attached motion to value the collateral of Travis Credit Union is denied without prejudice. The trustee's objection is sustained.

Confirmation of the plan filed February 12, 2009 is denied. The trustee's motion to dismiss is conditionally denied, the conditions being that on or before May 5, 2009 the debtors file a new plan and a motion to confirm the new plan, properly serve the new plan and the motion, and set the motion for hearing on the next available chapter 13 calendar that provides proper notice.

Debtors failed to file or serve a separate notice of the attached motion to value collateral required by Paragraph 3(b) of General Order 05-03.

The trustee's objections are sustained for the reasons stated therein.

The court will issue a minute order.

189. [09-22365](#)-B-13J PHILLIP/JENNIFER GOLDSBY CLH #1 HEARING - OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN BY TRAVIS CREDIT UNION 4-2-09 [[19](#)]

Tentative Ruling: Creditor Travis Credit Union's objection is governed by the procedures of LBR 9014-1(f) (2). Opposition may be presented at the hearing. Subject to such opposition and due to the size of this calendar (203 matters), the court issues the following abbreviated tentative ruling. Any party may at the hearing request a more explanatory Disposition After Oral Argument.

Travis Credit Union's objection is sustained, and confirmation of the plan filed February 12, 2009 is denied.

The court will issue a minute order.

190. [09-23065](#)-B-13J JOHN LOVE HEARING - ORDER TO SHOW CAUSE RE DISMISSAL OF CASE OR IMPOSITION OF SANCTIONS 3-31-09 [[15](#)]

Disposition Without Oral Argument: The order to show cause is discharged as moot because the automatic dismissal of this bankruptcy case on April 13, 2009 was confirmed by order signed on April 17, 2009 (Dkt. 22). No monetary sanctions are imposed.

The court will issue a minute order.

191. [09-23168](#)-B-13J TRACY COLLIER

HEARING - ORDER
TO SHOW CAUSE RE DISMISSAL
OF CASE OR IMPOSITION OF
SANCTIONS
4-1-09 [[19](#)]

Tentative Ruling: The order to show cause is discharged because the debtor paid the missing fee in the amount of \$68.00 on April 14, 2009. No monetary sanctions are imposed. The Order Approving Payment of Filing Fee In Installments (Dkt. 6) is modified. The entire unpaid balance (\$138.00) of the filing fee shall be paid on or before May 5, 2009, failing which the case will be dismissed without further notice or hearing.

The court will issue a minute order.

192. [09-22384](#)-B-7 RONDA SCOTT
JPJ #1

HEARING - OBJECTION
TO CONFIRMATION OF THE
CHAPTER 13 PLAN BY TRUSTEE AND
CONDITIONAL MOTION TO DISMISS
4-1-09 [[27](#)]

CASE CONVERTED 3-27-09

Disposition Without Oral Argument: The objection is overruled as moot and the chapter 13 trustee's conditional motion to dismiss is denied.

The bankruptcy case was converted to one under chapter 7 on March 30, 2009.

The court will issue a minute order.

193. [09-24686](#)-B-13J ROSA ECTOR
SR #1
US BANK NATIONAL ASSOC., VS.

HEARING - MOTION FOR
RELIEF FROM AUTOMATIC STAY
(UNLAWFUL DETAINER)
3-31-09 [[10](#)]

Tentative Ruling: This is a properly filed motion under LBR 9014-1(f)(2). Opposition may be presented at the hearing. Therefore, the court issues no tentative ruling on the merits of the motion.

194. [08-37287](#)-B-13J MICHAEL GIRON AND
JGD #102 BRANDI STIRTON

CONT. HEARING - MOTION FOR
APPROVAL OF 2ND AMENDED
CHAPTER 13 PLAN
2-20-09 [[32](#)]

CONT. FROM 4-7-09

Tentative Ruling: Due to the size of this calendar (203 matters), the court issues the following abbreviated tentative ruling. Any party may at the hearing request a more explanatory Disposition After Oral Argument.

The trustee's objection is sustained, and the motion to confirm the plan filed March 17, 2009 is denied.

The court will issue a minute order.

195. [08-37287](#)-B-13J MICHAEL GIRON AND
JGD #102 BRANDI STIRTON

CONT. HEARING - TRUSTEE'S
COUNTER MOTION TO CONDITIONALLY
DISMISS CASE
3-24-09 [[42](#)]

CONT. FROM 4-7-09

Tentative Ruling: The trustee's countermotion is governed by the procedures of LBR 9014-1(f)(2). Opposition may be presented at the hearing. Subject to such opposition and due to the size of this calendar (161 matters), the court issues the following abbreviated tentative ruling.

The countermotion is conditionally denied, the conditions being that on or before May 5, 2009 the debtors file a new plan and a motion to confirm the new plan, properly serve the new plan and the motion, and set the motion for hearing on the next available chapter 13 calendar that provides proper notice.

The court will issue a minute order.

196. [09-22987](#)-B-13J ROBERT HAVEN AND
RENEE PROTICH

HEARING - AMENDED
OBJECTION TO CHAPTER 13 PLAN
BY WELLS FARGO FINANCIAL
NATIONAL BANK
4-2-09 [[23](#)]

Disposition Without Oral Argument: Oral argument will not aid the court in rendering a decision on this matter.

The objection is overruled as moot.

On April 19, 2009, the debtors filed an amended plan and motion to

confirm. The filing of the amended plan constitutes a withdrawal of the plan to which Wells Fargo National Bank's objection is directed.

The court will issue a minute order.

197. [09-22987](#)-B-13J ROBERT HAVEN AND
JPJ #1 RENE E PROTICH HEARING - TRUSTEE'S
OBJECTION TO CONFIRMATION OF
THE CHAPTER 13 PLAN AND
CONDITIONAL MOTION TO
DISMISS CASE
4-1-09 [[19](#)]

Disposition Without Oral Argument: Oral argument will not aid the court in rendering a decision on this matter.

The objection is overruled as moot. The conditional motion to dismiss is denied as moot.

On April 19, 2009, the debtors filed an amended plan and motion to confirm. The filing of the amended plan constitutes a withdrawal of the plan to which the trustee's objection is directed.

The court will issue a minute order.

198. [09-21491](#)-B-13J SHIRLEY/EMMANUEL VILLEZAR HEARING - MOTION
TO CONFIRM CHAPTER 13 PLAN
3-3-09 [[20](#)]

Disposition Without Oral Argument: This matter was withdrawn by the moving party on April 14, 2009 and is removed from the calendar.

199. [09-21491](#)-B-13J SHIRLEY/EMMANUEL VILLEZAR HEARING - TRUSTEE'S
AJW #1 COUNTER MOTION TO CONDITIONALLY
DISMISS CASE
4-6-09 [[32](#)]

Tentative Ruling: The trustee's countermotion is governed by the procedures of LBR 9014-1(f)(2). Opposition may be presented at the hearing. Subject to such opposition and due to the size of this calendar (203 matters), the court issues the following abbreviated tentative ruling.

The countermotion is conditionally denied, the conditions being that on or before May 5, 2009 the debtors file a new plan and a motion to confirm the new plan, properly serve the new plan and the motion, and set the motion for hearing on the next available chapter 13 calendar that provides proper notice.

The court will issue a minute order.

200. [09-22897](#)-B-13J SCOTT CUNNINGHAM
JPJ #1

HEARING - TRUSTEE'S
OBJECTION TO CONFIRMATION OF
THE CHAPTER 13 PLAN AND
CONDITIONAL MOTION TO
DISMISS CASE
4-1-09 [[14](#)]

Tentative Ruling: The trustee's objection and motion to dismiss are governed by the procedures of LBR 9014-1(f)(2). Opposition may be presented at the hearing. Subject to such opposition and due to the size of this calendar (203 matters), the court issues the following abbreviated tentative ruling. Any party may request a more explanatory Disposition After Oral Argument at the hearing.

The attached motion to value HSBC Mortgage's collateral is denied without prejudice. The trustee's objection is sustained. Confirmation of the plan filed February 20, 2009 is denied. The trustee's motion to dismiss is conditionally denied, the conditions being that on or before May 5, 2009 the debtors file a new plan and a motion to confirm the new plan, properly serve the new plan and the motion, and set the motion for hearing on the next available chapter 13 calendar that provides proper notice.

Debtor failed to file or serve a separate notice of either attached motion to value collateral, as required by Paragraph 3(b) of General Order 05-03.

The court will issue a minute order.

201. [08-25998](#)-B-13J LUIS/ANA JOYA
SAC #1

CONT. HEARING - MOTION TO
MODIFY PLAN AFTER CONFIRMATION
1-15-09 [[48](#)]

CONT. FROM 4-7-09, 3-24-09,
3-10-09

Tentative Ruling: This matter continued most recently from April 7, 2009 without a briefing schedule. The debtors filed a supplemental declaration on April 13, 2009 (Dkt. 78). The matter was previously continued from March 24, 2009 without a briefing schedule. On March 11, 2009, the trustee filed supplemental opposition. (Dkt. 60). On March 16, 2009, debtors filed a reply. Nothing further has been filed in this matter. Due to the size of this calendar (203 matters), the court issues the following abbreviated tentative ruling. Any party may at the hearing request a more explanatory Disposition After Oral Argument.

The objections contained in the trustee's supplemental objection (Dkt. 60) are sustained, and the motion to confirm the plan filed January 15, 2009 is denied.

The court construes the trustee's supplemental objection (Dkt. 60) as an amendment to the trustee's initial objection (Dkt. 53).

The court will issue a minute order.

202. [08-36127](#)-B-13J LUCILLE BROWN
JPJ #3

HEARING - TRUSTEE'S
MOTION TO VACATE ORDER
DISMISSING CASE
4-8-09 [[76](#)] O.S.T.

Tentative Ruling: This is a properly filed motion under LBR 9014-1(f)(3) (motions set on shortened time). Opposition may be presented at the hearing. Therefore, the court issues no tentative ruling on the merits of the motion.

203. [09-22219](#)-B-7 KENNETH/STACIE GANDY
WGM #1
CENTRAL MORTGAGE
COMPANY, VS.

CONT. HEARING - MOTION FOR
RELIEF FROM AUTOMATIC STAY
ON REAL PROPERTY
3-30-09 [[13](#)]

CONT. FROM 4-14-09

Tentative Ruling: This is a properly filed motion under LBR 9014-1(f)(2). Opposition may be presented at the hearing. Therefore, the court issues no tentative ruling on the merits of the motion.