

UNITED STATES BANKRUPTCY COURT  
Eastern District of California

Honorable Thomas C. Holman  
Bankruptcy Judge  
Sacramento, California

July 21, 2009 at 9:32 A.M.

- 
1. [09-20400](#)-B-13J TYLER SPRING HEARING - MOTION  
SMR #2 TO CONFIRM CHAPTER 13 PLAN  
6-2-09 [[52](#)]

**Tentative Ruling:** Due to the number of matters on this morning's three related calendars (221 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 June 2, 2009 is denied.

The court will issue a minute order.

2. [09-20400](#)-B-13J TYLER SPRING HEARING - TRUSTEE'S  
SMR #2 COUNTER MOTION TO  
CONDITIONALLY DISMISS CASE  
7-6-09 [[63](#)]

**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 morning's three related calendars (221 matters), the court issues the following abbreviated tentative ruling.

The countermotion is conditionally denied, the conditions being that on or before August 4, 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.

3. [09-25500](#)-B-13J DENISE/MICHAEL DEWEY HEARING - MOTION TO  
MDD #1 CONFIRM DEBTOR'S CHAPTER 13  
SECOND AMENDED PLAN  
6-10-09 [[20](#)]

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

The trustee's objection is overruled. The motion to confirm is denied.

The objection and motion are moot. On July 14, 2009, the debtors filed an amended plan and motion to confirm. The filing of the amended plan constitutes a withdrawal of the instant plan to which the trustee's objection is directed.

The court will issue a minute order.

4. [09-25500](#)-B-13J DENISE/MICHAEL DEWEY HEARING - TRUSTEE'S  
MDD #1 COUNTER MOTION TO  
CONDITIONALLY DISMISS CASE  
7-6-09 [[27](#)]

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

The trustee's countermotion is denied.

The countermotion is moot. On July 14, 2009, the debtors filed an amended plan and motion to confirm.

The court will issue a minute order.

5. [06-21301](#)-B-13J DUANE/JOANNE RAMEY HEARING - MOTION  
WW #5 TO CONFIRM SECOND MODIFIED  
CHAPTER 13 PLAN  
6-12-09 [[114](#)]

**Tentative Ruling:** Due to the number of matters on this morning's three related calendars (221 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 June 12, 2009 is denied.

The court will issue a minute order.

6. [06-21904](#)-B-13J WILBUR HARVEY HEARING - MOTION  
SAC #3 TO APPROVE HOME LOAN  
6-16-09 [[49](#)]

**Disposition Without Oral Argument:** This motion is unopposed. Due to the number of matters on this morning's three related calendars (221 matters), the court issues the following abbreviated ruling.

In the absence of opposition, the debtor's motion for authority to incur new debt is granted on the terms set forth therein. The stay imposed by Fed. R. Bankr. P. 6004(g) is waived.

The court will issue a minute order.

7. [09-22104](#)-B-13J JAMES/JESSICA MURRAY HEARING - MOTION  
RKN #1 | TO VALUE COLLATERAL OF  
WACHOVIA DEALER SERVICES  
6-19-09 [[27](#)]

**Disposition Without Oral Argument:** This motion is unopposed. Due to the number of matters on this morning's three related calendars (221 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. \$6,470.00 of Wachovia Dealer Services' claim secured by a 2003 Nissan Altima ("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 \$6,470.00 on the date of the petition.

The court will issue a minute order.

8. [09-26504](#)-B-13J JARED MONEZ HEARING - OBJECTION  
PD #1 | TO CONFIRMATION OF CHAPTER 13  
PLAN BY RESIDENTIAL FUNDING  
COMPANY  
6-26-09 [[29](#)]

**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 bankruptcy case was dismissed by order entered on July 17, 2009. (Dkt. 35).

The court will issue a minute order.

9. [09-26505](#)-B-13J KEVIN DANIELS, SR. HEARING - MOTION  
NUU #3 | FOR ORDER CONFIRMING 1ST  
AMENDED CHAPTER 13 PLAN  
6-1-09 [[61](#)]

**Disposition Without Oral Argument:** This motion is unopposed. Due to the number of matters on this morning's three related calendars (221 matters), the court issues the following abbreviated ruling.

The motion is granted, and the amended plan filed June 1, 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.

10. [09-27806](#)-B-13J KEVIN/CATHERINE MATLOCK HEARING - MOTION  
ADS #1 TO CONFIRM FIRST AMENDED  
CHAPTER 13 PLAN  
6-11-09 [[20](#)]

**Tentative Ruling:** Due to the number of matters on this morning's three related calendars (221 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 June 11, 2009 is denied.

The court will issue a minute order.

11. [09-27806](#)-B-13J KEVIN/CATHERINE MATLOCK HEARING - TRUSTEE'S  
ADS #1 COUNTER MOTION TO  
CONDITIONALLY DISMISS CASE  
7-6-09 [[28](#)]

**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 morning's three related calendars (221 matters), the court issues the following abbreviated tentative ruling.

The countermotion is conditionally denied, the conditions being that on or before August 4, 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.

12. [08-24907](#)-B-13J FRANCISCO/YSABEL FLORES HARING - MOTION  
PGM #1 TO MODIFY CHAPTER 13 PLAN  
AFTER CONFIRMATION  
6-9-09 [[33](#)]

**Disposition Without Oral Argument:** This motion is unopposed. Due to the number of matters on this morning's three related calendars (221 matters), the court issues the following abbreviated ruling.

The motion is granted, and the modified plan filed June 9, 2009 is confirmed.

The court will issue a minute order.

13. [08-38107](#)-B-13J MARIO RODRIGUEZ  
SDB #4

HEARING - MOTION  
FOR ORDER CONFIRMING FIRST  
AMENDED CHAPTER 13 PLAN  
6-5-09 [[52](#)]

**Disposition Without Oral Argument:** This motion is unopposed. Due to the number of matters on this morning's three related calendars (221 matters), the court issues the following abbreviated ruling.

The motion is granted, and the amended plan filed June 5, 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.

14. [09-29808](#)-B-13J MARLON/JENNIFER PEREZ  
RHM #1

HEARING - MOTION TO  
VALUE REAL PROPERTY AS  
COLLATERAL HELD BY BANK  
OF AMERICA  
5-28-09 [[8](#)]

**Disposition Without Oral Argument:** This motion is unopposed. Due to the number of matters on this morning's three related calendars (221 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. \$0.00 of Bank of America's claim secured by the second deed of trust on real property located at 1155 Legend Circle, Vallejo, CA 94591 ("Property") is a secured claim, and the balance of its claim is an unsecured claim.

In the absence of opposition, for the purposes of this motion, the Property had a value of \$274,900.00 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 \$274,900.01. 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.

15. [09-28110](#)-B-13J KENNETH DOMACASSE  
AAI #1

HEARING - DEBTOR'S  
MOTION TO VALUE AUTOMOBILE  
HELD BY HSBC AUTO FINANCE  
6-4-09 [[26](#)]

**Disposition Without Oral Argument:** This motion is unopposed. Due to the number of matters on this morning's three related calendars (221 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. \$8,420.00 of HSBC Auto Finance's claim secured by a 2004 Nissan Xterra ("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 \$8,420.00 on the date of the petition.

The court will issue a minute order.

16. [09-28110](#)-B-13J KENNETH DOMACASSE  
AAI #2

HEARING - DEBTOR'S MOTION  
TO VALUE REAL PROPERTY HELD  
BY INDYMAC BANK  
6-4-09 [[23](#)]

**Disposition Without Oral Argument:** This motion is unopposed. Due to the number of matters on this morning's three related calendars (221 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. \$0.00 of Indymac Bank's claim secured by the second deed of trust on real property located at 2354 Donner Pass Avenue, Sacramento, CA ("Property") is a secured claim, and the balance of its claim is an unsecured claim.

In the absence of opposition, for the purposes of this motion, the Property had a value of \$217,00.00 on the date of the petition. The Property is encumbered by a first deed of trust held by Indymac Bank with a balance of approximately \$295,204.96. Thus, the value of the collateral available to Indymac Bank on its second deed of trust is \$0.00.

The court will issue a minute order.

17. [09-30210](#)-B-13J JOHN/GAIL SOKOLOSKI  
JPJ #1

HEARING - TRUSTEE'S  
OBJECTION TO CONFIRMATION OF  
THE CHAPTER 13 PLAN AND  
CONDITIONAL MOTION TO  
DISMISS CASE  
6-29-09 [[17](#)]

**Tentative Ruling:** The trustee's objection to confirmation and conditional countermotion to dismiss are governed by the procedures of LBR 9014-1(f)(2), and opposition may be presented at the hearing. Subject to such opposition, and due to the number of matters on this morning's three related calendars (221 matters), the court issues the following abbreviated tentative ruling.

The motion to value Wachovia Sierra Credit Union's collateral is deemed withdrawn. The trustee's objection is sustained. Confirmation of the plan filed May 21, 2009 is denied. The trustee's countermotion is conditionally denied, the conditions being that on or before August 4, 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.

18. [06-24612](#)-B-13J BRIAN MILLER HEARING - MOTION  
SDB #3 TO MODIFY CHAPTER 13 PLAN  
AFTER CONFIRMATION  
6-15-09 [[51](#)]

**Disposition Without Oral Argument:** This motion is unopposed. Due to the number of matters on this morning's three related calendars (221 matters), the court issues the following abbreviated ruling.

The motion is granted, and the modified plan filed June 15, 2009 is confirmed.

The court will issue a minute order.

19. [09-27513](#)-B-13J THOMAS/ERIN GRUDEM CONT. HEARING - OBJECTION TO  
SL #1 MOTION TO VALUE COLLATERAL  
OF SAFE CREDIT UNION  
6-4-09 [[15](#)]

CONT. FROM 7-7-09

**Tentative Ruling:** Due to the number of matters on this morning's three related calendars (221 matters), the court issues the following abbreviated tentative ruling.

The attached motion to value Safe Credit Union's collateral is denied without prejudice. The attached motion to value Select Portfolio Servicing's motion is granted. \$0.00 of Select Portfolio Servicing's claim secured by the second deed of trust on real property located at 2748 Los Amigos Drive, Rancho Cordova, CA 95670 ("Property") is a secured claim, and the balance of its claim is an unsecured claim. The initial plan filed April 21, 2009 will be confirmed.

In the absence of opposition, for the purposes of this motion, the Property had a value of \$165,00.00 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 \$247,895.00. Thus, the value of the collateral available to Select Portfolio Servicing on its second deed of trust is \$0.00.

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 initial plan.

20. [09-20015](#)-B-13J PHATH REACH AND  
RWF #1 PEAN PAO

HEARING - MOTION  
TO MODIFY PLAN AFTER  
CONFIRMATION  
6-1-09 [[20](#)]

**Tentative Ruling:** Due to the number of matters on this morning's three related calendars (221 matters), the court issues the following abbreviated tentative ruling.

The trustee's objection is overruled, and the modified plan filed June 1, 2009 is confirmed with the following modification: Finance America Corporation's claim is provided for in Class 3.

The court will issue a minute order.

21. [08-35816](#)-B-13J DAVID/SUSAN GRIMES  
RI #7

HEARING - MOTION TO  
CONFIRM DEBTOR'S THIRD  
AMENDED CHAPTER 13 PLAN  
6-4-09 [[115](#)]

**Tentative Ruling:** Due to the number of matters on this morning's three related calendars (221 matters), the court issues the following abbreviated tentative ruling.

Creditor Sacramento Municipal Utility District's objection is overruled. The third amended plan filed June 4, 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.

22. [09-28216](#)-B-13J STEVEN/CHERYLANNE POBUTA  
ADS #1

HEARING - MOTION  
TO VALUE COLLATERAL OF  
TECHNOLOGY CREDIT UNION  
6-11-09 [[16](#)]

**Disposition Without Oral Argument:** This motion is unopposed. Due to the number of matters on this morning's three related calendars (221 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. \$24,140.00 of Technology Credit Union's claim secured by a 2006 Lexus RX330 ("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 \$24,140.00 on the date of the petition.

The court will issue a minute order.

23. [08-32617](#)-B-13J WILSON/ELMA VENTURA  
ADS #2
- HEARING - MOTION  
TO CONFIRM FIRST AMENDED  
CHAPTER 13 PLAN  
6-12-09 [[26](#)]

**Disposition Without Oral Argument:** This motion is unopposed. Due to the number of matters on this morning's three related calendars (221 matters), the court issues the following abbreviated ruling.

The motion is granted, and the amended plan filed June 12, 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.

24. [09-25917](#)-B-13J DON/CONNIE GODFREY  
AJP #1
- HEARING - MOTION FOR  
CONFIRMATION OF AMENDED  
CHAPTER 13 PLAN  
6-9-09 [[29](#)]

**Tentative Ruling:** Due to the number of matters on this morning's three related calendars (221 matters), the court issues the following abbreviated tentative ruling.

The attached motion to value Carmax Business Services' ("Carmax") collateral is denied without prejudice. Carmax's objections are sustained. The trustee's objections are sustained. The plan filed June 9, 2009 is denied confirmation. Carmax's request for attorney's fees is denied. Carmax's motion to dismiss this chapter 13 case is denied.

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

The court will issue a minute order.

25. [09-25917](#)-B-13J DON/CONNIE GODFREY  
AJP #1
- HEARING - TRUSTEE'S  
COUNTER MOTION TO  
CONDITIONALLY DISMISS CASE  
7-6-09 [[45](#)]

**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 morning's three related calendars (221 matters), the court issues the following abbreviated tentative ruling.

The countermotion is conditionally denied, the conditions being that on or before August 4, 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.

26. [08-39318](#)-B-13J STEVEN/HEATHER WOODCOCK HEARING - MOTION TO  
WW #1 CONFIRM FIRST AMENDED  
CHAPTER 13 PLAN  
6-9-09 [[50](#)]

**Disposition Without Oral Argument:** The motion is continued to September 1, 2009 at 9:32 a.m. to be heard after the debtors' motion to value the collateral of Capital One Auto Finance set for an evidentiary hearing on August 27, 2009. Confirmation of the plan depends on the success of the motion to value.

The court will issue a minute order.

27. [08-39318](#)-B-13J STEVEN/HEATHER WOODCOCK HEARING - MOTION  
WW #2 TO VALUE THE COLLATERAL OF  
CAPITAL ONE AUTO FINANCE  
6-9-09 [[56](#)]

**Tentative Ruling:** Due to number of matters on this morning's three related calendars (221 matters), the court issues the following abbreviated tentative ruling.

This matter is continued to a final evidentiary hearing on August 27, 2009 at 2:00 p.m. before the Honorable David E. Russell in courtroom 32.

On or before August 20, 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 August 20, 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 Collateral of Capital One 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.

28. [09-28618](#)-B-13J ALONSO/PATRICIA GARCIA  
JT #1

HEARING - MOTION TO  
VALUE COLLATERAL OF  
COUNTRYWIDE HOME LOANS  
6-18-09 [[21](#)]

**Tentative Ruling:** This motion is unopposed. Due to the number of matters on this morning's three related calendars (221 matters), the court issues the following abbreviated tentative ruling.

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 3601 Jefferson Avenue, Yuba City, CA 95993 ("Property") is a secured claim, and the balance of its claim is an unsecured claim.

In the absence of opposition, for the purposes of this motion, the Property had a value of \$215,00.00 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 \$295,080.42. 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.

29. [05-24519](#)-B-13J JAMES/BRENDA MOODY  
MET #1

HEARING - MOTION  
FOR ORDER ALLOWING DEBTOR  
TO OBTAIN CREDIT  
6-26-09 [[20](#)]

**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.

30. [09-22219](#)-B-13J KENNETH/STACIE GANDY  
CYB #1

HEARING - MOTION  
TO VALUE COLLATERAL OF  
CITI MORTGAGE  
6-12-09 [[41](#)]

**Disposition Without Oral Argument:** This motion is unopposed. Due to the number of matters on this morning's three related calendars (221 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. \$0.00 of Citi Mortgage's claim secured by the second deed of trust on real property located at 3004 Twin Creeks Lane, Rocklin, CA 95677 ("Property") is a secured claim, and the balance of its claim is an unsecured claim.

In the absence of opposition, for the purposes of this motion, the Property had a value of \$180,00.00 on the date of the petition. The

Property is encumbered by a first deed of trust held by Central Mortgage Company with a balance of approximately \$299,925.00. Thus, the value of the collateral available to Citi Mortgage on its second deed of trust is \$0.00.

The court will issue a minute order.

31. [08-37920](#)-B-13J CRAIG/JEANNE GRANT HEARING - DEBTORS'  
OBJECTION TO TRUSTEE'S NOTICE  
OF DEFAULT AND APPLICATION  
TO DISMISS  
6-9-09 [[25](#)]

**Tentative Ruling:** None.

32. [09-25420](#)-B-13J DAVID/STEPHANIE HUNT HEARING - MOTION TO  
GDC #3 COMPEL ACCOUNTING  
6-23-09 [[62](#)]

**Tentative Ruling:** The motion is denied without prejudice to the filing of an adversary proceeding.

The motion requests relief that requires an adversary proceeding under Fed. R. Bankr. P. 7001(2) and/or (7).

The court will issue a minute order.

33. [09-25420](#)-B-13J DAVID/STEPHANIE HUNT HEARING - DEBTOR'S MOTION FOR  
GDC #4 EXAMINATION OF STANLY BRIGGS  
ET AL. AND REDWOOD TRUST DEED  
SERVICES, INC.  
6-23-09 [[64](#)]

**Tentative Ruling:** The motion is denied.

The debtors seek what amounts to discovery in the adversary proceeding that is required for their request for an order compelling an accounting.

The court will issue a minute order.

34. [09-30320](#)-B-13J FELIROS/BELLA CLEOFE  
JPJ #1
- HEARING - TRUSTEE'S  
OBJECTION TO CONFIRMATION OF  
THE CHAPTER 13 PLAN AND  
CONDITIONAL MOTION TO  
DISMISS CASE  
6-29-09 [[18](#)]

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

The objection is withdrawn and dropped from the calendar.

On July 14, 2009, the trustee filed a withdrawal of objection to plan confirmation (Dkt. 27).

35. [09-29921](#)-B-13J YOLAYDA ESPINAL  
JPJ #1
- HEARING - TRUSTEE'S  
OBJECTION TO CONFIRMATION OF  
THE CHAPTER 13 PLAN AND  
CONDITIONAL MOTION TO  
DISMISS CASE  
6-29-09 [[15](#)]

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

The bankruptcy case was converted to one under chapter 7 by order signed on July 20, 2009.

The court will issue a minute order.

36. [08-28922](#)-B-13J MICHAEL CHASTAIN AND  
RKN #1 JENNIFER UDOUATCH
- HEARING - MOTION TO  
VACATE DISMISSAL  
7-7-09 [[70](#)]

**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.

37. [09-28622](#)-B-13J STEVEN SWARS  
MBB #1
- CONT. HEARING - OBJECTION TO  
PROPOSED CHAPTER 13 PLAN  
AND CONFIRMATION THEREOF  
BY BAC HOME LOANS SERVICING  
5-19-09 [[13](#)]

CONT. FROM 7-7-09

**Tentative Ruling:** Creditor BAC Home Loans Servicing'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 number of matters on this morning's three related

calendars (221 matters), the court issues the following abbreviated tentative ruling.

The attached motion to avoid the judicial lien in favor of Frank A. & Phyllis L. Wheeler is deemed withdrawn. The attached motion to value Harley Davidson's collateral is deemed withdrawn. Creditor BAC Home Loans Servicing's objection is sustained. Confirmation of the plan filed April 30, 2009 is denied. Creditor's request to dismiss the instant case is denied.

The attached motion are deemed withdrawn because subsequent stand alone motion to value were filed by the debtor.

The court will issue a minute order.

38. [09-28622](#)-B-13J STEVEN SWARS  
LLT #1

CONT. HEARING - MOTION  
TO VALUE COLLATERAL HELD BY  
FRANK A. & PHYLLIS L. WHEELER  
1999 TRUST  
5-27-09 [[20](#)]

CONT. FROM 7-7-09

**Tentative Ruling:** The motion is denied.

The deed of trust in favor of the Frank A. & Phyllis L. Wheeler 1999 Trust (the "Wheeler Deed of Trust") is the first deed of trust according to the time of recording. It cannot be stripped unless and until its priority is altered. Nobelman v. American Savings Bank, 508 U.S. 324, 113 S.Ct. 2106, 124 L.Ed.2d 228 (1993); Zimmer v. PSB Lending Corp. (In re Zimmer), 313 F.3d 1220 (9<sup>th</sup> Cir. 2002). A proceeding to determine the priority of the lien of the Wheeler Deed of Trust must be brought as an adversary proceeding. Fed. R. Bankr. P 7007(2).

The court will issue a minute order.

39. [09-28622](#)-B-13J STEVEN SWARS  
PP #1

CONT. HEARING - OBJECTION TO  
CONFIRMATION OF CHAPTER 13 PLAN  
6-11-09 [[31](#)]

CONT. FROM 7-7-09

**Tentative Ruling:** Creditor Frank A. & Phyllis L. Wheeler 1999 Trust's ("Wheeler Trust") 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 number of matters on this morning's three related calendars (221 matters), the court issues the following abbreviated tentative ruling.

The attached motion to avoid the judicial lien in favor of Frank A. & Phyllis L. Wheeler is deemed withdrawn. The attached motion to value Harley Davidson's collateral is deemed withdrawn. Wheeler Trust's objections are sustained, and confirmation of the plan filed April 30, 2009 is denied.

The motion to value Wheeler Trust's collateral is denied elsewhere on this calendar. The plan fails to provide a treatment for the Wheeler Trust claim that is permissible under 11 U.S.C. §§ 1322(c) and 1325(b) (5).

The attached motion are deemed withdrawn because subsequent stand alone motion to value were filed by the debtor.

The court will issue a minute order.

40. [08-24025](#)-B-13J JENNIFER KNIPPSCHILD HEARING - DEBTOR'S  
JPG #6 MOTION TO CONFIRM FIFTH  
AMENDED CHAPTER 13 PLAN  
6-10-09 [[116](#)]

CASE DISMISSED 6-11-09

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

The motion is denied as moot.

This case was dismissed by order entered June 12, 2009. (Dkt. 120).

The court will issue a minute order.

41. [09-25825](#)-B-13J AJAY/PUNAM JAIN HEARING - MOTION TO  
JME #4 CONFIRM FIRST AMENDED PLAN  
6-15-09 [[33](#)]

**Tentative Ruling:** Due to the number of matters on this morning's three related calendars (221 matters), the court issues the following abbreviated tentative ruling.

The attached motion to avoid the judicial lien in favor of Citi Cards is denied without prejudice. The attached motion to value the collateral of Wachovia Mortgage is deemed withdrawn. The trustee's objections are sustained. Confirmation of the plan filed March 31, 2009 is denied.

The attached motion to avoid a judicial lien is denied as procedurally improper as debtor failed to serve a separate notice of the attached motion as required by G.O. 05-03.

The court will issue a minute order.

42. [09-25825](#)-B-13J AJAY/PUNAM JAIN HEARING - TRUSTEE'S  
JME #4 COUNTER MOTION TO  
CONDITIONALLY DISMISS CASE  
7-6-09 [[40](#)]

**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 number of matters on

this morning's three related calendars (221 matters), the court issues the following abbreviated tentative ruling.

The countermotion is conditionally denied, the conditions being that on or before August 4, 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.

43. [09-25825](#)-B-13J AJAY/PUNAM JAIN HEARING - MOTION TO  
JME #5 VALUE COLLATERAL OF BANK  
OF AMERICA  
6-22-09 [[37](#)]

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

The motion is denied without prejudice.

The motion suffers from the following procedural defect. The motion is not supported by evidence, in derogation of LBR 9014-1(d)(6).

The court will issue a minute order.

44. [09-27325](#)-B-13J MARIAELENEA LAUMBACH HEARING - DEBTOR'S  
MOTION TO CONFIRM  
CHAPTER 13 PLAN  
6-10-09 [[25](#)]

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

The trustee's objection is overruled. The motion to confirm is denied.

The objection and motion are moot. On July 16, 2009, the debtor filed an amended plan and motion to confirm. The filing of the amended plan constitutes a withdrawal of the instant plan to which the trustee's objection is directed.

The court will issue a minute order.

45. [09-27325](#)-B-13J MARIAELENEA LAUMBACH HEARING - TRUSTEE'S  
COUNTER MOTION TO  
CONDITIONALLY DISMISS CASE  
7-6-09 [[30](#)]

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

The trustee's countermotion is denied.

The countermotion is moot. On July 16, 2009, the debtors filed an amended plan and motion to confirm.

The court will issue a minute order.

46. [09-30425](#)-B-13J ANTHONY/MARILYN KING HEARING - DEBTORS' MOTION  
ADR #1 FOR ORDER VALUING COLLATERAL  
OF COUNTRYWIDE HOME LOANS  
6-15-09 [[14](#)]

**Disposition Without Oral Argument:** This motion is unopposed. Due to the number of matters on this morning's three related calendars (221 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. \$0.00 of Countrywide Home Loans' claim secured by the second deed of trust on real property located at 5 Vinton Ct., Sacramento, CA 95823 ("Property") is a secured claim, and the balance of its claim is an unsecured claim.

In the absence of opposition, for the purposes of this motion, the Property had a value of \$231,000.00 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 \$321,972. 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.

47. [09-21526](#)-B-13J CYNTHIA/BRYAN BEYMER HEARING - MOTION TO  
SCA #2 CONFIRM DEBTOR'S CHAPTER  
13 PLAN  
6-16-09 [[36](#)]

**Tentative Ruling:** Due to the number of matters on this morning's three related calendars (221 matters), the court issues the following abbreviated tentative ruling.

The trustee's objection is sustained. Confirmation of the plan filed June 16, 2009 is denied.

The court will issue a minute order.

48. [09-21526](#)-B-13J CYNTHIA/BRYAN BEYMER HEARING - TRUSTEE'S  
SCA #2 COUNTER MOTION TO  
CONDITIONALLY DISMISS CASE  
7-6-09 [[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 and due to the number of matters on

this morning's three related calendars (221 matters), the court issues the following abbreviated tentative ruling.

The countermotion is conditionally denied, the conditions being that on or before August 4, 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. [09-25126](#)-B-13J JEFFREY/JOYCE MURAO HEARING - DEBTORS'  
CFH #3 MOTION TO CONFIRM FIRST  
AMENDED CHAPTER 13 PLAN  
6-1-09 [[46](#)]

**Tentative Ruling:** Due to the number of matters on this morning's three related calendars (221 matters), the court issues the following abbreviated tentative ruling.

The trustee's objections are sustained. Confirmation of the plan filed June 1, 2009 is denied.

The court will issue a minute order.

50. [09-25126](#)-B-13J JEFFREY/JOYCE MURAO HEARING - TRUSTEE'S  
CFH #9 COUNTER MOTION TO  
CONDITIONALLY DISMISS CASE  
7-6-09 [[68](#)]

**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 number of matters on this morning's three related calendars (221 matters), the court issues the following abbreviated tentative ruling.

The countermotion is conditionally denied, the conditions being that on or before August 4, 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.

51. [09-22327](#)-B-13J KAREN MARTIN  
JME #2

HEARING - MOTION TO  
VALUE COLLATERAL OF CITI-  
MORTGAGE INC.  
6-22-09 [[30](#)]

**Disposition Without Oral Argument:** This motion is unopposed. Due to the number of matters on this morning's three related calendars (221 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. \$0.00 of Citimortgage, Inc.'s claim secured by the second deed of trust on real property located at 8409 Blackman Way, Elk Grove, CA 95624 ("Property") is a secured claim, and the balance of its claim is an unsecured claim.

In the absence of opposition, for the purposes of this motion, the Property had a value of \$241,500.00 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 \$298,400.00. 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.

52. [09-28928](#)-B-13J JOSEPH/BRANDY SALLERNO  
BSJ #1

HEARING - DEBTORS'  
MOTION TO VALUE REAL PROPERTY  
HELD BY SELECT PORTFOLIO  
SERVICES  
6-2-09 [[23](#)]

**Disposition Without Oral Argument:** This motion is unopposed. Due to the number of matters on this morning's three related calendars (221 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. \$0.00 of Select Portfolio Services' claim secured by the second deed of trust on real property located at 801 Esplanade Circle, Folsom, CA ("Property") is a secured claim, and the balance of its claim is an unsecured claim.

In the absence of opposition, for the purposes of this motion, the Property had a value of \$245,500.00 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 \$266,393.00. Thus, the value of the collateral available to Select Portfolio Services on its second deed of trust is \$0.00.

The court will issue a minute order.

53. [09-28928](#)-B-13J JOSEPH/BRANDY SALERNO  
BSJ #2

HEARING - MOTON  
TO CONFIRM DEBTORS'  
CHAPTER 13 PLAN  
6-2-09 [[20](#)]

**Tentative Ruling:** Due to the number of matters on this morning's three related calendars (221 matters), the court issues the following abbreviated tentative ruling.

The attached motion to value Select Portfolio Services' collateral is deemed withdrawn. The trustee's objection is sustained. Confirmation of the plan filed May 7, 2009 is denied.

The court will issue a minute order.

54. [09-28928](#)-B-13J JOSEPH/BRANDY SALERNO  
BSJ #2

HEARING - TRUSTEE'S  
COUNTER MOTION TO  
CONDITIONALLY DISMISS CASE  
7-6-09 [[35](#)]

**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 number of matters on this morning's three related calendars (221 matters), the court issues the following abbreviated tentative ruling.

The countermotion is conditionally denied, the conditions being that on or before August 4, 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.

55. [09-29928](#)-B-13J DALE/DANYA MARTIN  
CJY #1

HEARING - MOTION TO  
VALUE COLLATERAL OF WELLS  
FARGO BANK, N.A.  
6-9-09 [[14](#)]

**Disposition Without Oral Argument:** This motion is unopposed. Due to the number of matters on this morning's three related calendars (221 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. \$0.00 of Wells Fargo Bank's claim secured by the second deed of trust on real property located at 3385 Allan Avenue, West Sacramento, CA 95691 ("Property") is a secured claim, and the balance of its claim is an unsecured claim.

In the absence of opposition, for the purposes of this motion, the

Property had a value of \$480,000.00 on the date of the petition. The Property is encumbered by a first deed of trust held by Wachovia with a balance of approximately \$555,161.09. Thus, the value of the collateral available to Wells Fargo Bank on its second deed of trust is \$0.00.

The court will issue a minute order.

56. [09-29928](#)-B-13J DALE/DANYA MARTIN  
CJY #2

HEARING - MOTION TO  
VALUE COLLATERAL SECURED BY  
THE CLAIM OF RETAIL SERVICES  
6-9-09 [[19](#)]

**Disposition Without Oral Argument:** This motion is unopposed. Due to the number of matters on this morning's three related calendars (221 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. \$3,500.00 of Retail Services' claim secured by a 2003 Polaris 500 Quad ("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 \$3,500.00 on the date of the petition.

The court will issue a minute order.

57. [09-23529](#)-B-13J CESAR/ANA FLORES  
ADR #3

HEARING - DEBTOR'S MOTION  
FOR ORDER VALUING DEBTORS'  
RENTAL PROPERTY AND MOTION TO  
CRAM DOWN THE SECURED DEBT OF  
1ST MORTGAGE ON RENTAL PROPERTY  
6-16-09 [[53](#)]

**Disposition Without Oral Argument:** This motion is unopposed. Due to the number of matters on this morning's three related calendars (221 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. \$62,000.00 of Countrywide Home Loans' claim secured by a first deed of trust on the real property and improvements located at 2772 Oakmont Street, Sacramento, CA 95815 (the "Property") 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 Property had a value of \$62,000.00 on the date of the petition.

The court will issue a minute order.

58. [09-30130](#)-B-13J OMAR/LINDA HILL  
KAT #1

HEARING - OBJECTION TO  
CONFIRMATION OF CHAPTER 13 PLAN  
BY US BANK NATIONAL ASSOCIATION  
6-29-09 [[17](#)]

**Tentative Ruling:** Creditor US Bank'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 number of matters on this morning's three related calendars (221 matters), the court issues the following abbreviated tentative ruling.

The attached motion to value collateral pursuant to Fed. R. Bankr. P. 3012 and 11 U.S.C. § 506(a), is granted. \$0.00 of GMAC's claim secured by the second deed of trust on real property located at 2426 Minden Way, Sacramento, CA ("Property") is a secured claim, and the balance of its claim is an unsecured claim. Creditor US Bank's objection is sustained. Confirmation of the plan filed May 20, 2009 is denied. Creditor's request for attorney's fees is denied.

In the absence of opposition, for the purposes of this motion, the Property had a value of \$400,000.00 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 \$414,000.00. Thus, the value of the collateral available to GMAC on its second deed of trust is \$0.00.

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

The court will issue a minute order.

59. [07-30831](#)-B-13J JOANNE GATRELL  
MOH #3

HEARING - DEBTOR'S  
MOTION TO VALUE COLLATERAL  
OF AMERICAN GENERAL  
7-1-09 [[78](#)]

**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.

60. [09-28231](#)-B-13J EDMUND/SHALIMAR BLANCO  
PGM #1

HEARING - MOTION TO  
VALUE COLLATERAL OF WELLS FARGO  
6-12-09 [[18](#)]

**Disposition Without Oral Argument:** This motion is unopposed. Due to the number of matters on this morning's three related calendars (221 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. \$0.00 of Wells Fargo's claim secured by the second deed of trust on real property located at 10079 Shana Way, Elk

Grove, CA 95757 ("Property") is a secured claim, and the balance of its claim is an unsecured claim.

In the absence of opposition, for the purposes of this motion, the Property had a value of \$340,000.00 on the date of the petition. The Property is encumbered by a first deed of trust held by Wells Fargo with a balance of approximately \$435,000.00. Thus, the value of the collateral available to Wells Fargo on its second deed of trust is \$0.00.

The court will issue a minute order.

61. [09-23233](#)-B-13J KELLY/KIMBERLY SNOWDEN HEARING - MOTION TO  
DKC #2 CONFIRM AMENDED PLAN AND TO  
VALUE COLLATERAL OF CHRYSLER  
FINANCIAL (DKC-3) AND GMAC  
(DKC-4)  
6-8-09 [[39](#)]

**Tentative Ruling:** Due to the number of matters on this morning's three related calendars (221 matters), the court issues the following abbreviated tentative ruling.

The attached motion to value Chrysler Financial's collateral is denied without prejudice. The attached motion to value GMAC's collateral is denied without prejudice. The trustee's objections are sustained. Confirmation of the plan filed June 8, 2009 is denied.

The attached motions to value collateral are denied without prejudice because the procedure for filing attached motions is unavailable to debtors under ¶ 8(a) of G.O. 05-03, the procedure by which debtors are proceeding to confirmation in this case.

The court will issue a minute order.

62. [09-23233](#)-B-13J KELLY/KIMBERLY SNOWDEN HEARING - TRUSTEE'S  
DKC #2 COUNTER MOTION TO  
CONDITIONALLY DISMISS CASE  
7-6-09 [[49](#)]

**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 number of matters on this morning's three related calendars (221 matters), the court issues the following abbreviated tentative ruling.

The countermotion is conditionally denied, the conditions being that on or before August 4, 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.

63. [09-29733](#)-B-13J TERRY/SYLVA RODRIGUEZ  
TJS #1

HEARING - OBJECTION TO  
CONFIRMATION OF CHAPTER 13  
PLAN BY LITTON LOAN SERVICING  
6-29-09 [[22](#)]

**Tentative Ruling:** Creditor Litton Loan Servicing'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 number of matters on this morning's three related calendars (221 matters), the court issues the following abbreviated tentative ruling.

The attached motion to value Citifinancial Services, Inc.'s collateral is denied without prejudice. The attached motion to value Wells Fargo Auto Finance's collateral is denied without prejudice. Creditor Litton Loan Servicing's objection is sustained. Confirmation of the plan filed May 15, 2009 is denied.

The attached motions to value collateral are denied as procedurally improper as debtors failed to file and serve a separate notice of the attached motions to value as required by G.O. 05-03.

The court will issue a minute order.

64. [08-20435](#)-B-13J MELODY SIMPSON  
WSS #2

HEARING - MOTION TO  
VALUE REAL PROPERTY HELD  
BY STEVEN JACKSON  
6-8-09 [[36](#)]

**Disposition Without Oral Argument:** This motion is unopposed. Due to the number of matters on this morning's three related calendars (221 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. \$0.00 of Steven Jackson's claim secured by the second deed of trust on real property located at 4424 Winners Circle, Rocklin, CA ("Property") is a secured claim, and the balance of its claim is an unsecured claim.

In the absence of opposition, 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 Countrywide Home Loans, Inc. with a balance of approximately \$204,295.94. Thus, the value of the collateral available to Steven Jackson on his second deed of trust is \$0.00.

The court will issue a minute order.

65. [08-29735](#)-B-13J ALDO/FRANCES ESCORCIA  
ADS #2

HEARING - MOTION TO  
MODIFY CHAPTER 13 PLAN  
AFTER CONFIRMATION  
6-10-09 [[32](#)]

**Disposition Without Oral Argument:** This motion is unopposed. Due to the number of matters on this morning's three related calendars (221 matters), the court issues the following abbreviated ruling.

The motion is granted, and the modified plan filed June 10, 2009 is confirmed.

The court will issue a minute order.

66. [06-21938](#)-B-13J REGINALD KUMAR  
CRR #3

HEARING - OBJECTION  
TO CLAIM OF ISIS AND STANFORD  
6-11-09 [[81](#)]

**Disposition Without Oral Argument:** This motion is unopposed. Due to the number of matters on this morning's three related calendars (221 matters), the court issues the following abbreviated ruling.

The debtor's objection is sustained, and claim No. 4 filed on June 30, 2006 by Isis and Sanford in the amount of \$1,166.00 (the "Claim") is disallowed as a secured claim and allowed as a general unsecured claim, except to the extent previously paid by the trustee.

The court will issue a minute order.

67. [09-24438](#)-B-13J JESSE/GLORIA MORALES  
SJJ #3

HEARING - MOTION  
TO CONFIRM 1ST AMENDED PLAN  
6-12-09 [[36](#)]

**Tentative Ruling:** Due to the number of matters on this morning's three related calendars (221 matters), the court issues the following abbreviated tentative ruling.

The attached motion to value Washington Mutual/Chase Bank's collateral is denied without prejudice. The trustee's objections are sustained. Confirmation of the plan filed June 12, 2009 is denied.

The attached motion to value collateral is denied without prejudice because the procedure for filing attached motions is unavailable to debtors under ¶ 8(a) of G.O. 05-03, the procedure by which debtors are proceeding to confirmation in this case.

The court will issue a minute order.

68. [09-24438](#)-B-13J JESSE/GLORIA MORALES  
SJJ #3

HEARING - TRUSTEE'S  
COUNTER MOTION TO  
CONDITIONALLY DISMISS CASE  
7-6-09 [[49](#)]

**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 number of matters on this morning's three related calendars (221 matters), the court issues the following abbreviated tentative ruling.

The countermotion is conditionally denied, the conditions being that on or before August 4, 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.

69. [09-21439](#)-B-13J FRANK/BRENDA GARAY  
TJW #3

HEARING - MOTION  
TO VALUE REAL ESTATE  
HELD BY OCWEN  
6-2-09 [[62](#)]

**Tentative Ruling:** This motion is deemed filed under LBR 9014-1(f)(2) because the Notice of Hearing improperly states the time when opposition was due. Opposition may be presented at the hearing. Therefore, the court issues no tentative ruling on the merits of the motion.

70. [09-21439](#)-B-13J FRANK/BRENDA GARAY  
TJW #4

HEARING - MOTION  
TO APPROVE SECOND AMENDED  
CHAPTER 13 PLAN  
6-2-09 [[58](#)]

**Tentative Ruling:** Due to the number of matters on this morning's three related calendars (221 matters), the court issues the following abbreviated tentative ruling.

The attached motion to value Ocwen's collateral is resolved elsewhere on this calendar. The trustee's objection is sustained. Confirmation of the plan filed June 1, 2009 is denied.

The court will issue a minute order.

71. [09-21439](#)-B-13J FRANK/BRENDA GARAY  
TJW #4

HEARING - TRUSTEE'S  
COUNTER MOTION TO  
CONDITIONALLY DISMISS CASE  
7-6-09 [[67](#)]

**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 number of matters on this morning's three related calendars (221 matters), the court issues the following abbreviated tentative ruling.

The countermotion is conditionally denied, the conditions being that on or before August 4, 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.

72. [09-32039](#)-B-13J EDWARD/KRISTY GRIFFITH  
JT #1

HEARING - MOTION TO  
VALUE COLLATERAL WELLS FARGO  
FINANCIAL  
6-17-09 [[8](#)]

**Disposition Without Oral Argument:** This motion is unopposed. Due to the number of matters on this morning's three related calendars (221 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. \$0.00 of Wells Fargo Financial's claim secured by the second deed of trust on real property located at 7013 Silverfield Way, Roseville, CA 95747 ("Property") is a secured claim, and the balance of its claim is an unsecured claim.

In the absence of opposition, for the purposes of this motion, the Property had a value of \$190,000.00 on the date of the petition. The Property is encumbered by a first deed of trust held by Countrywide Home Loans, Inc. with a balance of approximately \$198,137.00. Thus, the value of the collateral available to on his second deed of trust is \$0.00.

The court will issue a minute order.

73. [09-20440](#)-B-13J ROY/MICHELLE BORGERSEN  
ADR #2

HEARING - MOTION TO  
CONFIRM 1ST AMENDED CHAPTER  
13 PLAN  
5-27-09 [[46](#)]

**Disposition Without Oral Argument:** This motion is unopposed. Due to the number of matters on this morning's three related calendars (221 matters), the court issues the following abbreviated ruling.

The motion is granted, and the amended plan filed May 27, 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.

74. [09-22140](#)-B-13J JORGE GARCIA  
JT #3

HEARING - MOTION TO  
CONFIRM SECOND AMENDED  
CHAPTER 13 PLAN  
6-1-09 [[41](#)]

**Tentative Ruling:** Due to the number of matters on this morning's three related calendars (221 matters), the court issues the following abbreviated tentative ruling.

The trustee's objection is sustained. Confirmation of the plan filed June 1, 2009 is denied.

The court will issue a minute order.

75. [09-22140](#)-B-13J JORGE GARCIA  
JT #3

HEARING - TRUSTEE'S  
COUNTER MOTION TO  
CONDITIONALLY DISMISS CASE  
7-6-09 [[47](#)]

**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 number of matters on this morning's three related calendars (221 matters), the court issues the following abbreviated tentative ruling.

The countermotion is conditionally denied, the conditions being that on or before August 4, 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.

76. [09-22440](#)-B-13J JAMES FOX III  
PGM #1

HEARING - MOTION  
TO CONFIRM DEBTOR'S FIRST  
AMENDED PLAN  
6-11-09 [[34](#)]

**Disposition Without Oral Argument:** This motion is unopposed. Due to the number of matters on this morning's three related calendars (221 matters), the court issues the following abbreviated ruling.

The motion is granted, and the amended plan filed June 11, 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.

77. [09-28740](#)-B-13J BENITO/CATHY HOLLOMON HEARING - MOTION  
RKN #1 TO VALUE COLLATERAL OF WELLS  
FARGO FINANCIAL BANK  
6-18-09 [[19](#)]

**Disposition Without Oral Argument:** This motion is unopposed. Due to the number of matters on this morning's three related calendars (221 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. \$0.00 of Wells Fargo Financial's claim secured by the second deed of trust on real property located at 6207 Graystone Avenue, Citrus Heights, CA 95621 ("Property") is a secured claim, and the balance of its claim is an unsecured claim.

In the absence of opposition, for the purposes of this motion, the Property had a value of \$285,000.00 on the date of the petition. The Property is encumbered by a first deed of trust held by Wells Fargo Financial with a balance of approximately \$315,689.00. Thus, the value of the collateral available to Wells Fargo Financial on its second deed of trust is \$0.00.

The court will issue a minute order

78. [09-29440](#)-B-13 ISREAL/DONARA TRUNYAN HEARING - TRUSTEE'S  
JPJ #1 OBJECTION TO CONFIRMATION OF  
THE CHAPTER 13 PLAN AND  
CONDITIONAL MOTION TO  
DISMISS CASE  
6-23-09 [[19](#)]

**Tentative Ruling:** The trustee's objection to confirmation and conditional countermotion to dismiss are governed by the procedures of LBR 9014-1(f)(2), and opposition may be presented at the hearing. Subject to such opposition, and due to the number of matters on this morning's three related calendars (221 matters), the court issues the following abbreviated tentative ruling.

The trustee's objection is sustained. Confirmation of the plan filed May 12, 2009 is denied. The trustee's countermotion is conditionally denied, the conditions being that on or before August 4, 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.

79. [09-29440](#)-B-13J ISREAL/DONARA TRUNYAN WGM #1 HEARING - OBJECTION TO CONFIRMATION OF DEBTORS' CHAPTER 13 PLAN BY JP MORGAN CHASE BANK, N.A. 6-25-09 [[22](#)]

**Tentative Ruling:** Creditor JP Morgan Chase Bank's objection to confirmation is governed by the procedures of LBR 9014-1(f)(2), and opposition may be presented at the hearing. Subject to such opposition, and due to the number of matters on this morning's three related calendars (221 matters), the court issues the following abbreviated tentative ruling.

Creditor JP Morgan Chase Bank's objection is sustained. Confirmation of the plan filed May 12, 2009 is denied.

The court will issue a minute order.

80. [08-27741](#)-B-13J GEORGINA MCKEMIE-LOPEZ PGM #1 HEARING - MOTION TO MODIFY CHAPTER 13 PLAN AFTER CONFIRMATION 6-9-09 [[29](#)]

**Tentative Ruling:** This matter cannot resolved on the pleadings before the court. The parties should be prepared to discuss a discovery schedule and evidentiary hearing date.

81. [09-22541](#)-B-13J MICHELE ASTLEY RI #1 HEARING - MOTION TO CONFIRM DEBTOR'S FIRST AMENDED CHAPTER 13 PLAN 6-3-09 [[31](#)]

**Disposition Without Oral Argument:** This motion is unopposed. Due to the number of matters on this morning's three related calendars (221 matters), the court issues the following abbreviated ruling.

The motion is granted, and the modified plan filed June 3, 2009 is confirmed.

The court will issue a minute order.

82. [08-38142](#)-B-13J RUSSELL/LAURA HOLDER  
BSJ #1

HEARING - DEBTOR'S  
MOTION TO VALUE REAL PROPERTY  
HELD BY HSBC MORTGAGE SERVICES  
6-9-09 [[42](#)]

**Disposition Without Oral Argument:** This motion is unopposed. Due to the number of matters on this morning's three related calendars (221 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. \$0.00 of HSBC Mortgage Services' claim secured by the second deed of trust on real property located at 8409 Shawntel Way, Antelope, CA ("Property") is a secured claim, and the balance of its claim is an unsecured claim.

In the absence of opposition, for the purposes of this motion, the Property had a value of \$215,500.00 on the date of the petition. The Property is encumbered by a first deed of trust held by Ocwen with a balance of approximately \$233,521.06. Thus, the value of the collateral available to HSBC Mortgage Services on its second deed of trust is \$0.00.

The court will issue a minute order.

83. [08-38142](#)-B-13J RUSSELL/LAURA HOLDER  
BSJ #2

HEARING - DEBTOR'S  
MOTION TO VALUE COLLATERAL  
OF WELLS FARGO FINANCE  
6-9-09 [[39](#)]

**Disposition Without Oral Argument:** This motion is unopposed. Due to the number of matters on this morning's three related calendars (221 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. \$21,345.00 of Wells Fargo Financial's claim secured by a 2005 Ford Excursion ("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 \$21,345.00 on the date of the petition.

The court will issue a minute order.

84. [08-38142](#)-B-13J RUSSELL/LAURA HOLDER  
BSJ #3

HEARING - DEBTORS'  
MOTION TO CONFIRM DEBTORS'  
FIRST AMENDED CHAPTER 13 PLAN  
6-9-09 [[45](#)]

**Disposition Without Oral Argument:** This motion is unopposed. Due to the number of matters on this morning's three related calendars (221 matters), the court issues the following abbreviated ruling.

The attached motions to value collateral are deemed withdrawn. The

motion is granted, and the amended plan filed June 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.

85. [09-26243](#)-B-13J RHUEA PETERSOHN  
RKN #2

HEARING - MOTION  
TO VALUE COLLATERAL OF  
NAVY FEDERAL CREDIT UNION  
6-15-09 [[31](#)]

**Disposition Without Oral Argument:** This motion is unopposed. Due to the number of matters on this morning's three related calendars (221 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. \$5,134.00 of Navy Federal Credit Union's claim secured by a 2004 Hyundai Sonata ("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 \$5,134.00 on the date of the petition.

The court will issue a minute order.

86. [08-37944](#)-B-13J LYNN/LORRAINE JONES  
AJP #7

HEARING - MOTION FOR  
CONFIRMATION OF 3RD AMENDED  
CHAPTER 13 PLAN  
6-9-09 [[103](#)]

**Tentative Ruling:** Due to the number of matters on this morning's three related calendars (221 matters), the court issues the following abbreviated tentative ruling.

The trustee's objections are sustained. Confirmation of the plan filed June 6, 2009 is denied.

The court will issue a minute order.

87. [08-37944](#)-B-13J LYNN/LORRAINE JONES  
AJP #7

HEARING - TRUSTEE'S  
COUNTER MOTION TO  
CONDITIONALLY DISMISS CASE  
7-6-09 [[110](#)]

**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 number of matters on

this morning's three related calendars (221 matters), the court issues the following abbreviated tentative ruling.

The countermotion is conditionally denied, the conditions being that on or before August 4, 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.

88. [09-23244](#)-B-13J ANDRES/FELICIDAD PADUA HEARING - MOTION  
DEF #4 TO CONFIRM 1<sup>st</sup> MODIFIED  
CHAPTER 13 PLAN  
4-29-09 [[32](#)]

**Disposition Without Oral Argument:** This motion is unopposed. Due to the number of matters on this morning's three related calendars (221 matters), the court issues the following abbreviated ruling.

The motion is granted, and the modified plan filed April 29, 2009 is confirmed.

The court will issue a minute order.

89. [09-25144](#)-B-13J BRIAN/MICHELE DABALOS HEARING - MOTION FOR  
WSS #1 CONFIRMATION OF AMENDED PLAN  
6-8-09 [[18](#)]

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

The trustee's objection is overruled. The motion to confirm is denied.

The objection and motion are moot. On July 14, 2009, the debtors filed an amended plan and motion to confirm. The filing of the amended plan constitutes a withdrawal of the instant plan to which the trustee's objection is directed.

The court will issue a minute order.

90. [09-25144](#)-B-13J BRIAN/MICHELE DABALOS HEARING - TRUSTEE'S  
WSS #1 COUNTER MOTION TO  
CONDITIONALLY DISMISS CASE  
7-6-09 [[24](#)]

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

The trustee's countermotion is denied.

The countermotion is moot. On July 14, 2009, the debtors filed an

amended plan and motion to confirm.

The court will issue a minute order.

91. [09-26245](#)-B-13J JERRY/SONDRA SIFFORD HEARING - MOTION  
FLC #3 TO CONFIRM DEBTORS' AMENDED PLAN  
6-15-09 [[42](#)]

**Tentative Ruling:** Due to the number of matters on this morning's three related calendars (221 matters), the court issues the following abbreviated tentative ruling.

The trustee's objections are sustained. Confirmation of the plan filed June 15, 2009 is denied.

The court will issue a minute order.

92. [09-26245](#)-B-13J JERRY/SONDRA SIFFORD HEARING - TRUSTEE'S  
FLC #3 COUNTER MOTION TO  
CONDITIONALLY DISMISS CASE  
7-6-09 [[63](#)]

**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 number of matters on this morning's three related calendars (221 matters), the court issues the following abbreviated tentative ruling.

The countermotion is conditionally denied, the conditions being that on or before August 4, 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.

93. [09-30945](#)-B-13J JEFFREY/SHAWNEE WALTERS HEARING - MOTION  
SS #1 TO VALUE COLLATERAL OF CHASE  
HOME EQUITY LOANS  
6-15-09 [[12](#)]

**Disposition Without Oral Argument:** This motion is unopposed. Due to the number of matters on this morning's three related calendars (221 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. \$0.00 of Chase Home Equity Loans' claim secured by the equity line of credit on real property located at 8313 Leda Court, Antelope, CA 95843 ("Property") is a secured claim, and the balance of its claim is an unsecured claim.



unavailable to the creditor under ¶ 8(a) of G.O. 05-03, the procedure by which debtor is proceeding to confirmation in this case. Nevertheless, in this instance, the court will consider the merits of this objection with debtor's motion to confirm, which is addressed elsewhere on this calendar. Nothing in this ruling constitutes confirmation of any plan.

The court will issue a minute order.

97. [09-24346](#)-B-13J JOSEPH PACHECO HEARING - TRUSTEE'S  
DEF #1 COUNTER MOTION TO  
CONDITIONALLY DISMISS CASE  
7-6-09 [[42](#)]

**Disposition Without Oral Argument:** The countermotion is continued to September 15, 2009 at 9:32 a.m. to be heard with debtor's motion to sell (D.C. No. DEF-2; Dkt. 44). Confirmation of the plan depends on the success of the motion to value.

The court will issue a minute order.

98. [09-29147](#)-B-13J RHONDA SIMS HEARING - OBJECTION  
MMW #1 TO CONFIRMATION OF CHAPTER 13  
PLAN BY RESIDENTIAL CAPITAL  
MORTGAGE INCOME FUND, LLC  
6-24-09 [[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 July 16, 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 creditor's objection is directed.

The court will issue a minute order.

99. [09-28749](#)-B-13J HECTOR/CARMEN GONZALEZ HEARING - MOTION  
PGM #1 TO VALUE COLLATERAL OF  
POPULAR MORTGAGE SERVICING  
6-12-09 [[18](#)]

**Disposition Without Oral Argument:** This motion is unopposed. Due to the number of matters on this morning's three related calendars (221 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. \$0.00 of creditor's claim secured by the second deed of trust on real property located at 8545 Elaine Drive, Sacramento, CA 95828 ("Property") is a secured claim, and the balance of its claim is an unsecured claim.

In the absence of opposition, 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 Wells Fargo with a balance of approximately \$139,000.00. Thus, the value of the collateral available to Popular Mortgage Servicing on its second deed of trust is \$0.00.

The court will issue a minute order.

100. [09-30749](#)-B-13J DENNIS/REBECCA CROCIANI HEARING - DEBTORS'  
SDB #2 MOTION FOR ORDER VALUING  
COLLATERAL OF COUNTRYWIDE  
HOME LOANS/BANK OF AMERICA  
6-18-09 [[22](#)]

**Disposition Without Oral Argument:** This motion is unopposed. Due to the number of matters on this morning's three related calendars (221 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. \$0.00 of creditor's claim secured by the second deed of trust on real property located at 291 Woodson Way, Vallejo, CA 94591 ("Property") is a secured claim, and the balance of its claim is an unsecured claim.

In the absence of opposition, for the purposes of this motion, the Property had a value of \$210,000.00 on the date of the petition. The Property is encumbered by a first deed of trust held by Homecomings Financial with a balance of approximately \$256,810.17. Thus, the value of the collateral available to Countrywide Home Loans/ Bank of America on its second deed of trust is \$0.00.

The court will issue a minute order.

101. [09-32550](#)-B-13J GINA RASMUSSEN HEARING - MOTION TO  
JT #1 VALUE COLLATERAL OF  
CITIMORTGAGE, INC.  
6-23-09 [[9](#)]

**Disposition Without Oral Argument:** This motion is unopposed. Due to the number of matters on this morning's three related calendars (221 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. \$0.00 of creditor's claim secured by the second deed of trust on real property located at 8725 Blinman Way, Fair Oaks, CA 95628 ("Property") is a secured claim, and the balance of its claim is an unsecured claim.

In the absence of opposition, for the purposes of this motion, the Property had a value of \$315,900.00 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 \$339,074.00. 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.

102. [09-28851](#)-B-13J WILLIE/MARY JOHNSON  
KAK #2

HEARING - MOTION TO  
VALUE COLLATERAL OF GREEN TREE  
6-18-09 [[24](#)]

**Disposition Without Oral Argument:** This motion is unopposed. Due to the number of matters on this morning's three related calendars (221 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. \$0.00 of creditor's claim secured by the second deed of trust on real property located at 7745 Agate Beach Way, Antelope, CA 95842 ("Property") is a secured claim, and the balance of its claim is an unsecured claim.

In the absence of opposition, for the purposes of this motion, the Property had a value of \$515,000.00 on the date of the petition. The Property is encumbered by a first deed of trust held by Chase Home Finance with a balance of approximately \$549,150.00. Thus, the value of the collateral available to Green Tree on its second deed of trust is \$0.00.

The court will issue a minute order.

103. [09-28652](#)-B-13J AURA SANCHEZ  
ADS #1

HEARING - MOTION TO  
VALUE COLLATERAL OF COUNTRYWIDE  
HOME LOANS  
6-10-09 [[16](#)]

**Disposition Without Oral Argument:** This motion is unopposed. Due to the number of matters on this morning's three related calendars (221 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. \$0.00 of creditor's claim secured by the second deed of trust on real property located at 3209 Fireside Way, Sacramento, CA 95827 ("Property") is a secured claim, and the balance of its claim is an unsecured claim.

In the absence of opposition, 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 Countrywide Home Loans with a balance of approximately \$220,780.00. 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.

104. [09-29852](#)-B-13J JAMES/MARIA CRUZ  
MET #1

HEARING - MOTION  
FOR ORDER VALUING COLLATERAL  
OF CITIMORTGAGE, INC.  
6-14-09 [[13](#)]

**Disposition Without Oral Argument:** This motion is unopposed. Due to the number of matters on this morning's three related calendars (221 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. \$0.00 of creditor's claim secured by the second deed of trust on real property located at 200 Pumice Court, Vallejo, California 94589 ("Property") is a secured claim, and the balance of its claim is an unsecured claim.

In the absence of opposition, for the purposes of this motion, the Property had a value of \$224,000.00 on the date of the petition. The Property is encumbered by a first deed of trust held by Countrywide Home Loans, now Bank of America/ BAC Home Loans with a balance of approximately \$388,212.00. 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.

105. [09-29852](#)-B-13J JAMES/MARIA CRUZ  
JPJ #1

HEARING - TRUSTEE'S  
OBJECTION TO CONFIRMATION OF  
THE CHAPTER 13 PLAN AND  
CONDITIONAL MOTION TO  
DISMISS CASE  
6-29-09 [[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 (221 matters), the court issues the following abbreviated tentative ruling.

The trustee's objections are sustained. Confirmation of the plan filed May 17, 2009 is denied. The trustee's motion to dismiss is conditionally denied, the conditions being that on or before August 4, 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. [09-27054](#)-B-13J LUIS/CINTHIA BELTRAN  
ADR #2

HEARING - MOTION TO  
CONFIRM 1ST AMENDED CHAPTER  
13 PLAN  
5-26-09 [[18](#)]

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

The motion is continued to September 1, 2009 at 9:32 a.m. because movant failed to file a service list with its certificate of service. On or before July 24, 2009, the movant shall serve all appropriate parties in interest with copies of the moving papers, the plan, and notice of the continued hearing. Movant shall also file a notice of the continued hearing with the court. Proof of service shall be filed within three court days thereafter. LBR 9014-1(e)(3). If the movant fail to do any of the foregoing, the motion will be denied for lack of proper service.

The court will issue a minute order.

107. [09-29754](#)-B-13J DIOSDADO/AILEN ORDANZA  
JHW #1

HEARING - OBJECTION  
TO CONFIRMATION OF PROPOSED  
CHAPTER 13 PLAN BY CHRYSLER  
FINANCIAL SERVICES AMERICAS LLC  
6-18-09 [[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 July 2, 2009, the debtors filed an amended plan and a 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.

108. [08-27555](#)-B-13J GUSTAVO/MARIA GUZMAN  
WW #2

CONT. HEARING - MOTION  
TO CONFIRM SECOND MODIFIED  
CHAPTER 13 PLAN  
5-22-09 [[96](#)]

CONT. FROM 7-7-09

**Tentative Ruling:** This matter continued from July 7, 2009 without a briefing schedule. Nothing further has been filed in this matter. Due to the number of matters on this morning's three related calendars (221 matters), the court issues the following abbreviated ruling.

The trustee's opposition is conditionally overruled, and the motion to confirm the modified plan is granted in part. The modified plan, filed on May 22, 2009, is confirmed with the following modifications: (1) The plan payments shall be \$8,000.00 per month for ten months, \$10,000.00 per month for one month, and \$10,602 per month for forty-nine months; and (2)

the secured claim of the Internal Revenue Service in the amount of \$1,783.00 is provided for in class 2 of the plan with an interest rate of \_\_\_% and a monthly dividend of \$\_\_\_.

The court will issue a minute order.

109. [09-25655](#)-B-13J LYNN WAUGH  
ET #1

HEARING - DEBTOR'S  
MOTION FOR VALUATION OF  
SECURITY; DETERMINATION OF  
SECURED STATUS AND AVOIDANCE  
OF LIEN AND MODIFICATION OF  
RIGHTS OF LIENHOLDER  
6-17-09 [[25](#)]

**Disposition Without Oral Argument:** This motion is unopposed. Due to the size of this morning's three related calendars (221 matters), the court issues the following abbreviated ruling.

The motion is denied without prejudice.

The motion contains several procedural defects. First, debtor did not properly serve HFC-USA, the creditor whose collateral debtor seeks to value, in compliance with Fed. R. Bankr. P. 7004(b). Second, the motion is not supported by evidence, in derogation of LBR 9014-1(d)(6).

The court will issue a minute order.

110. [09-25356](#)-B-13J FRANCISCO/ANGIE BUENO  
SDH #2

HEARING - MOTION  
TO VALUE COLLATERAL OF  
TONY MAGDALENO, ET AL.  
6-3-09 [[37](#)]

**Disposition Without Oral Argument:** This motion is unopposed. Due to the number of matters on this morning's three related calendars (221 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. \$0.00 of creditor's claim secured by the second deed of trust on real property located at 449 West Silver Eagle Road, Sacramento, CA 95834 ("Property") is a secured claim, and the balance of its claim is an unsecured claim.

In the absence of opposition, for the purposes of this motion, the Property had a value of \$253,474.00 on the date of the petition. The Property is encumbered by a first deed of trust held by Countrywide with a balance of approximately \$417,000.00. Thus, the value of the collateral available to Magdaleno, Correa, and Solario on their second deed of trust is \$0.00.

The court will issue a minute order.

111. [09-29156](#)-B-13J MYUNG LEE  
DJC #1

HEARING - MOTION TO  
SELL REAL PROPERTY  
6-19-09 [[14](#)]

**Tentative Ruling:** This motion has been filed pursuant LBR 9014-1(f)(1). In this instance and due to the number of matters on this morning's three related calendars (221 matters), the court issues the following abbreviated ruling.

The motion is denied without prejudice.

Through this motion, debtor seeks authority to perform a "short" sale of real property located at 2323 Panga Place, Gold River, CA 95670 ("Property"). However, there is no evidence of an actual sale for the court to approve. No contract of sale is provided. Debtor admits that the proposed sale will not pay Chase Home Finance ("Chase"), the holder of the first and second deeds of trust on the Property, in full and that Chase has not consented to the sale. "The 'case-or-controversy' requirement of Article III [of the United States Constitution] may be equated with a prohibition on the issuance of advisory opinions, decisions based on hypothetical facts, or attempts to address abstract issues that lack a concrete basis." 15 Moore's Federal Practice § 101.75 (Matthew Bender 3d ed.).

Furthermore, the plan, which was confirmed on July 13, 2009, provides for surrender of the Property. The proposed "short" sale is inconsistent with the terms of the confirmed plan. 11 U.S.C. § 1327(a).

The court will issue a minute order.

112. [09-33856](#)-B-13J THOMAS/NERY MARTIN  
MOH #1

HEARING - DEBTORS'  
MOTION TO CONTINUE AUTOMATIC  
STAY BEYOND 30 DAYS  
7-6-09 [[8](#)]

**Tentative Ruling:** This 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.

113. [07-28757](#)-B-13J GEORGE/VIOLET ENTENDENCIA  
RI #5

HEARING - MOTION  
TO CONFIRM DEBTORS' THIRD  
AMENDED CHAPTER 13 PLAN  
6-3-09 [[91](#)]

**Tentative Ruling:** Due to the size of this morning's three related calendars (221 matters), the court issues the following abbreviated tentative ruling.

The trustee's objections are sustained, and the motion to confirm the

plan filed June 3, 2009 is denied.

The court will issue a minute order.

114. [07-28757](#)-B-13J GEORGE/VIOLET ENTENDENCIA HEARING - SECOND  
RI #6 APPLICATION RE: ADDITIONAL FEES  
AND EXPENSES IN CHAPTER 13 CASE  
(\$5,192.75 FEES; \$429.50)  
6-3-09 [[87](#)]

**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.

115. [09-24757](#)-B-13J ED/CAROL MARTINI HEARING - DEBTORS'  
AJP #1 MOTION FOR CONFIRMATION OF  
CHAPTER 13 PLAN  
5-21-09 [[21](#)]

**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 June 2, 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 instant plan and motion.

The court will issue a minute order.

116. [09-24757](#)-B-13J ED/CAROL MARTINI HEARING - DEBTORS'  
AJP #2 MOTION FOR CONFIRMATION  
OF CHAPTER 13 PLAN  
6-2-09 [[27](#)]

**Disposition Without Oral Argument:** This motion is unopposed. Due to the number of matters on this morning's three related calendars (221 matters), the court issues the following abbreviated ruling.

The motion is granted, and the amended plan filed June 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.

117. [09-24857](#)-B-13J GARY/SHERYL RAWLINSON  
SMR #1

HEARING - MOTION TO  
CONFIRM AMENDED CHAPTER 13 PLAN  
6-12-09 [[17](#)]

**Tentative Ruling:** Due to the size of this morning's three related calendars (221 matters), the court issues the following abbreviated tentative ruling.

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

The court will issue a minute order.

118. [09-24857](#)-B-13J GARY/SHERYL RAWLINSON  
SMR #1

HEARING - TRUSTEE'S  
COUNTER MOTION TO  
CONDITIONALLY DISMISS CASE  
7-6-09 [[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 morning's three related calendars (221 matters), the court issues the following abbreviated tentative ruling.

The countermotion is conditionally denied, the conditions being that on or before August 4, 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.

119. [09-26757](#)-B-13J RICHARD/VIRGINIA MOULTON  
AJP #1

HEARING - DEBTORS' MOTION  
FOR CONFIRMATION OF CHAPTER 13  
PLAN  
5-21-09 [[16](#)]

**Disposition Without Oral Argument:** This motion is unopposed. Due to the number of matters on this morning's three related calendars (221 matters), the court issues the following abbreviated ruling.

The motion is granted, and the plan filed May 20, 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 plan.

120. [09-22458](#)-B-13J THOMAS FIELD  
RPB #1

HEARING - MOTION  
FOR ORDER CONFIRMING FIRST  
AMENDED CHAPTER 13 PLAN  
6-2-09 [[19](#)]

**Tentative Ruling:** Due to the size of this morning's three related calendars (221 matters), the court issues the following abbreviated tentative ruling.

The trustee's objection is sustained, and the motion to confirm the plan filed June 2, 2009 is denied.

The court will issue a minute order.

121. [09-22458](#)-B-13J THOMAS FIELD  
RPB #1

HEARING - TRUSTEE'S  
COUNTER MOTION TO  
CONDITIONALLY DISMISS CASE  
7-6-09 [[32](#)]

**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 morning's three related calendars (221 matters), the court issues the following abbreviated tentative ruling.

The countermotion is conditionally denied, the conditions being that on or before August 4, 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.

122. [09-22458](#)-B-13J THOMAS FIELD  
RPB #2

HEARING - MOTION  
TO VALUE COLLATERAL OF  
SAFE CREDIT UNION  
6-2-09 [[25](#)]

**Disposition Without Oral Argument:** This motion is unopposed. Due to the number of matters on this morning's three related calendars (221 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. \$19,985.00 of Safe Credit Union's claim secured by a 2006 Nissan Titan Crew Cab LE 4x4 pickup ("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 \$19,985.00 on the date of the petition.

The court will issue a minute order.

123. [09-28858](#)-B-13J ANGELA MARTIN  
PGM #1

HEARING - MOTION  
TO VALUE COLLATERAL OF  
GMAC MORTGAGE, LLC  
6-12-09 [[17](#)]

**Disposition Without Oral Argument:** This motion is unopposed. Due to the number of matters on this morning's three related calendars (221 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. \$0.00 of creditor's claim secured by the second deed of trust on real property located at 1056 Woodshire Way, Sacramento, CA 95822 ("Property") is a secured claim, and the balance of its claim is an unsecured claim.

In the absence of opposition, for the purposes of this motion, the Property had a value of \$230,000.00 on the date of the petition. The Property is encumbered by a first deed of trust held by Downey Savings and Loan with a balance of approximately \$404,210.78. Thus, the value of the collateral available to GMAC Mortgage, LLC on its second deed of trust is \$0.00.

The court will issue a minute order.

124. [09-21760](#)-B-13J DEEDRIA CLARK  
PGM #2

HEARING - MOTION TO  
CONFIRM DEBTOR'S FIRST  
AMENDED PLAN  
6-5-09 [[36](#)]

**Tentative Ruling:** Due to the size of this morning's three related calendars (221 matters), the court issues the following abbreviated tentative ruling.

The trustee's objections are sustained, and the motion to confirm the plan filed June 5, 2009 is denied.

The court will issue a minute order.

125. [09-21760](#)-B-13J DEEDRIA CLARK  
PGM #2

HEARING - TRUSTEE'S  
COUNTER MOTION TO  
CONDITIONALLY DISMISS CASE  
7-6-09 [[43](#)]

**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 morning's three related calendars (221 matters), the court issues the following abbreviated tentative ruling.

The countermotion is conditionally denied, the conditions being that on or before August 4, 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.

126. [09-28860](#)-B-13J ROBIN LECA  
PGM #1

HEARING - MOTION  
TO VALUE COLLATERAL OF BANK  
OF AMERICA, N.A.  
6-12-09 [19]

**Disposition Without Oral Argument:** This motion is unopposed. Due to the number of matters on this morning's three related calendars (221 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. \$0.00 of creditor's claim secured by the second deed of trust on real property located at 8621 Dandridge Drive, Sacramento, CA 95828 ("Property") is a secured claim, and the balance of its claim is an unsecured claim.

In the absence of opposition, for the purposes of this motion, the Property had a value of \$75,000.00 on the date of the petition. The Property is encumbered by a first deed of trust held by Wells Fargo Home Mortgage with a balance of approximately \$139,000.00. 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.

127. [09-22862](#)-B-13J JOHNNY/ROSA MONTES  
DN #1

HEARING - DEBTORS'  
OBJECTION TO ALLOWANCE OF  
CLAIM OF CREDITOR COUNTRYWIDE  
HOME LOANS SERVICING  
6-2-09 [63]

**Tentative Ruling:** Due to the number of matters on this morning's three related calendars (221 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 August 25, 2009 at 2:00 p.m. before the Honorable David E. Russell in courtroom 32.

On or before August 17, 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 August 17, 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 Debtors' Objection to Allowance of Claim of Countrywide Home Loans Servicing." 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.

128. [09-29163](#)-B-13J DANNY/KAREN HANLEY  
JPJ #1

HEARING - TRUSTEE'S  
OBJECTION TO CONFIRMATION OF  
THE CHAPTER 13 PLAN AND  
CONDITIONAL MOTION TO  
DISMISS CASE  
6-23-09 [[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 (221 matters), the court issues the following abbreviated tentative ruling.

The attached motion to value Chief Pontiac Federal Credit Union's collateral is denied without prejudice. The trustee's objections are sustained. Confirmation of the plan filed May 7, 2009 is denied. The trustee's motion to dismiss is conditionally denied, the conditions being that on or before August 4, 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 court will issue a minute order.

129. [09-29163](#)-B-13J DANNY/KAREN HANLEY  
TJS #2

HEARING - OBJECTION TO  
CONFIRMATION OF CHAPTER 13  
PLAN AND MOTION TO VALUE  
COLLATERAL BY CHIEF PONTIAC  
FEDERAL CREDIT UNION  
6-16-09 [[12](#)]

**Tentative Ruling:** The objection filed by creditor Chief Pontiac Federal Credit Union ("CPFCU") 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 (221 matters), the court issues the following abbreviated tentative ruling.

The attached motion to value CPFCU's collateral has been resolved elsewhere on this calendar. CPFCU's objection is sustained. Confirmation of the plan filed May 7, 2009 is denied.

The court will issue a minute order.

130. [09-29963](#)-B-13J ANTHONY KELLY  
JPJ #1

HEARING - TRUSTEE'S  
OBJECTION TO CONFIRMATION OF  
THE CHAPTER 13 PLAN AND  
CONDITIONAL MOTION TO  
DISMISS CASE  
7-1-09 [[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 (221 matters), the court issues the following abbreviated tentative ruling.

The attached motion to value Bank of Commerce/ Washington CU's collateral is denied without prejudice. The trustee's objections are sustained. Confirmation of the plan filed May 18, 2009 is denied. The trustee's motion to dismiss is conditionally denied, the conditions being that on or before August 4, 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.

Debtor 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 court will issue a minute order.

131. [09-21265](#)-B-13J MAUREEN SAYLOR  
JLB #2

HEARING - MOTION TO  
CONFIRM FIRST AMENDED  
CHAPTER 13 PLAN  
6-3-09 [[40](#)]

**Tentative Ruling:** Due to the size of this morning's three related calendars (221 matters), the court issues the following abbreviated tentative ruling.

The trustee's objections are sustained, and the motion to confirm the plan filed June 3, 2009 is denied.

The court will issue a minute order.

132. [09-21265](#)-B-13J MAUREEN SAYLOR  
JLB #2

HEARING - TRUSTEE'S  
COUNTER MOTION TO  
CONDITIONALLY DISMISS CASE  
7-6-09 [[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 morning's three related calendars (221 matters), the court issues the following abbreviated tentative

ruling.

The countermotion is conditionally denied, the conditions being that on or before August 4, 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.

133. [09-21265](#)-B-13J MAUREEN SAYLOR  
JLB #3

HEARING - OBJECTION  
TO PROOFS OF CLAIMS NOS. 1  
FILED BY PRA RECEIVABLES  
MANAGEMENT, LLC, AND 3 FILED  
BY ROUNDUP FUNDING, LLC.  
6-3-09 [[45](#)]

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

The objection is continued to September 15, 2009 at 9:32 a.m. because movant failed to serve Roundup Funding in accordance with Fed. R. Bankr. P. 7004(b). On or before August 2, 2009, the movant shall serve the objection, any supporting documents to the objection, and notice of the continued hearing on Roundup Funding in accordance with Fed. R. Bankr. P. 7004(b). Movant shall also file a notice of the continued hearing with the court. Proof of service shall be filed within three court days thereafter. LBR 9014-1(e)(3). If the movant fail to do any of the foregoing, the objection will be overruled for lack of proper service.

The court will issue a minute order.

134. [08-34567](#)-B-13J MONIQUE/MURRAY KREHBIEL  
JLB #4

HEARING - MOTION OF  
DEBTOR TO AMEND CHAPTER 13  
AFTER CONFIRMATION  
6-8-09 [[82](#)]

**Tentative Ruling:** The trustee's opposition is conditionally overruled, and the motion to confirm the modified plan is granted in part. Due to the number of matters on this morning's three related calendars (221 matters), the court issues the following abbreviated ruling.

The modified plan, filed on June 8, 2009, is confirmed with the following modification: (1) the monthly dividend in Section 5.02(c) of the plan is \$202.00.

The court will issue a minute order.

135. [09-23367](#)-B-7 CYNTHIA LOPEZ  
PGM #1

CONT. HEARING - MOTION TO  
DISMISS OR CONVERT CHAPTER 7  
6-9-09 [[12](#)]

CONT. FROM 7-7-09  
TRANSFERRED FROM DEPT. C

**Tentative Ruling:** This matter cannot resolved on the pleadings before the court. The parties should be prepared to discuss a discovery schedule and evidentiary hearing date.

136. [09-23168](#)-B-13J TRACY COLLIER

HEARING - MOTION TO  
CONFIRM CHAPTER 13 PLAN  
6-30-09 [[66](#)]

**Tentative Ruling:** The court construes this motion as one filed under LBR 9014-1(f)(2) because the notice of hearing fails to advise potential respondents whether and when written opposition is required. Opposition may be presented at the hearing. In this instance, the court issues the following tentative ruling.

The motion is denied.

The motion suffers from procedural defects. First, debtor failed to file a certificate of service with this motion, in derogation of LBR 9014-1(e)(2). There is, therefore, no presumption of service on any party in interest, in derogation of Fed. R. Bankr. P. 2002(b). Second, the motion was filed only twenty-one days before the hearing date. A motion to confirm an amended plan must be filed and served at least thirty-nine days before the hearing date. See ¶ 8(a) of G.O. 05-03. Third, the motion was filed without a docket control number, in derogation of LBR 9014-1(c).

The court will issue a minute order.

137. [09-25468](#)-B-13J MICHAEL/KELLY ISOLA  
JME #5

HEARING - MOTION TO  
CONFIRM FIRST AMENDED PLAN  
6-15-09 [[36](#)]

**Tentative Ruling:** Due to the size of this morning's three related calendars (221 matters), the court issues the following abbreviated tentative ruling.

Creditor Golden One Credit Union's ("GOCU") feasibility objection is sustained. The trustee's objections are sustained. The motion to confirm the plan file June 15, 2009 is denied.

A plan should be filed as a separate document so that it appears on the docket as a plan. A plan should not be filed as an attachment to the

motion to confirm. (Dkt. 36).

The court will issue a minute order.

138. [09-25468](#)-B-13J MICHAEL/KELLY ISOLA  
JME #5

HEARING - TRUSTEE'S  
COUNTER MOTION TO  
CONDITIONALLY DISMISS CASE  
7-6-09 [[49](#)]

**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 morning's three related calendars (221 matters), the court issues the following abbreviated tentative ruling.

The countermotion is conditionally denied, the conditions being that on or before August 4, 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.

139. [09-31668](#)-B-13J PATRICIA JORDAN  
SS #1

HEARING - MOTION  
TO VALUE COLLATERAL OF  
CITIFINANCIAL  
6-16-09 [[10](#)]

**Disposition Without Oral Argument:** This motion is unopposed. Due to the number of matters on this morning's three related calendars (221 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. \$0.00 of creditor's claim secured by the second deed of trust on real property located at 8531 Tambor Way, Elk Grove, California ("Property") is a secured claim, and the balance of its claim is an unsecured claim.

In the absence of opposition, 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 America's Servicing Company with a balance of approximately \$253,076.00. Thus, the value of the collateral available to Citifinancial on its second deed of trust is \$0.00.

The court will issue a minute order.

140. [09-30069](#)-B-13J YAO SAETEURN AND  
CJY #1 FAM SAECHAO

HEARING - MOTION TO  
VALUE COLLATERAL OF WASHINGTON  
MUTUAL BROKERAGE HOLDINGS  
6-10-09 [[14](#)]

**Disposition Without Oral Argument:** This motion is unopposed. Due to the number of matters on this morning's three related calendars (221 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. \$0.00 of creditor's claim secured by the second deed of trust on real property located at 7401 Balfour Way, Sacramento, California 95822 ("Property") is a secured claim, and the balance of its claim is an unsecured claim.

In the absence of opposition, for the purposes of this motion, the Property had a value of \$147,000.00 on the date of the petition. The Property is encumbered by a first deed of trust held by Wachovia with a balance of approximately \$162,000.00. Thus, the value of the collateral available to Washington Mutual Brokerage Holdings on its second deed of trust is \$0.00.

The court will issue a minute order.

141. [08-29271](#)-B-13J MOHAMMED/FAHIMA SAFI

HEARING - MOTION TO  
CONFIRM CHAPTER 13 PLAN  
6-16-09 [[123](#)]

**Disposition Without Oral Argument:** This motion is unopposed. Due to the number of matters on this morning's three related calendars (221 matters), the court issues the following abbreviated ruling.

The motion is granted, and the amended plan filed June 16, 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.

142. [08-30072](#)-B-13J MICHAEL ZARI  
SAC #2

HEARING - MOTION TO  
MODIFY PLAN AFTER CONFIRMATION  
6-4-09 [[43](#)]

**Disposition Without Oral Argument:** This motion is unopposed. Due to the number of matters on this morning's three related calendars (221 matters), the court issues the following abbreviated ruling.

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

The court will issue a minute order.

143. [09-24474](#)-B-13J MICHAEL/JODY ROACH  
JLZ #2

CONT. HEARING - DEBTORS'  
MOTION TO VALUE COLLATERAL  
OF INTERNAL REVENUE SERVICE  
4-27-09 [[17](#)]

CONT. FROM 6-16-09

**Disposition Without Oral Argument:** This matter continued from June 16, 2009 to allow debtors to properly serve the Internal Revenue Service by June 23, 2009. On June 17, 2009, debtors filed a notice of continued hearing and certificate of service that shows appropriate service on the Internal Revenue Service. Nothing further has been filed in this matter. This motion is unopposed. Due to the number of matters on this morning's three related calendars (22 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. \$0.00 of creditor's claim secured by the junior lien on real property located at 3559 Mining Brook Road, Placerville, California ("Property") is a secured claim, and the balance of its claim is an unsecured claim.

In the absence of opposition, for the purposes of this motion, the Property had a value of \$275,000.00 on the date of the petition. The Property is encumbered by a first deed of trust held by Household Finance Corporation of California with a balance of approximately \$331,380.00. Thus, the value of the collateral available to the Internal Revenue Service on its junior lien is \$0.00.

The court will issue a minute order.

144. [09-28775](#)-B-13J JOSEPH IRVIN  
SDB #1

HEARING - MOTION FOR  
ORDER CONFIRMING FIRST  
AMENDED CHAPTER 13 PLAN  
6-4-09 [[14](#)]

**Disposition Without Oral Argument:** This motion is unopposed. Due to the number of matters on this morning's three related calendars (221 matters), the court issues the following abbreviated ruling.

The motion is granted, and the amended plan filed June 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.

145. [09-29975](#)-B-13J HAIDAR/DENIS JUNAID  
JPJ #1

HEARING - TRUSTEE'S  
OBJECTION TO CONFIRMATION OF  
THE CHAPTER 13 PLAN AND  
CONDITIONAL MOTION TO  
DISMISS CASE  
6-29-09 [[19](#)]

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

This objection and countermotion are continued to August 4, 2009 at 9:32 a.m. to be heard after the continued meeting of creditors.

The court will issue a minute order.

146. [09-25676](#)-B-13J CHRISTOPHER/WENDY ARMOUR  
RTD #1

CONT. HEARING - OBJECTIONS  
TO CONFIRMATION OF THE  
CHAPTER 13 PLAN BY THE  
GOLDEN 1 CREDIT UNION  
5-5-09 [[29](#)]

CONT. FROM 7-7-09, 6-2-09

**Tentative Ruling:** This matter continued most recently from July 7, 2009 to be heard after the evidentiary hearing on debtors' motion to value the collateral of Golden One Credit Union. Due to the size of this morning's three related calendars (221 matters), the court issues the following abbreviated tentative ruling.

The attached motion to value the collateral of Countrywide Home Loans is deemed withdrawn. The attached motion to value the collateral of Golden One is deemed withdrawn. Golden One Credit Union's objections are sustained. Confirmation of the plan filed March 30, 2009 is denied.

The attached motions are deemed withdrawn because a subsequent and stand alone motion to value has been filed and resolved for each.

The court will issue a minute order.

147. [09-25676](#)-B-13J CHRISTOPHER/WENDY ARMOUR  
RTD #2

HEARING - MOTION  
BY THE GOLDEN 1 CREDIT UNION  
TO EXTEND THE TIME TO FILE  
A COMPLAINT TO DETERMINE  
DISCHARGEABILITY OF DEBT  
6-29-09 [[53](#)]

**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.

148. [08-36677](#)-B-13J ABBAS HAMADE  
WW #1

HEARING - MOTION  
FOR AUTHORIZATION TO ENTER  
MODIFICATION WITH COUNTRYWIDE  
6-30-09 [[59](#)]

**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.

149. [09-25578](#)-B-13J MILTON CHEEK, VS.  
CHASE HOME FINANCE LLC, VS.

HEARING - MOTION  
TO VALUE LIEN  
6-12-09 [[37](#)]

**Disposition Without Oral Argument:** The motion is continued to August 18, 2009 at 9:32 a.m. On or before July 21, 2009, the date of this hearing, the debtor shall serve the motion, its supporting papers, and notice of the continued hearing on Chase Home Finance, LLC in the manner required by Fed. R. Bankr. P. 7004. 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 debtor failed to serve Chase Home Finance, LLC in the manner required by Fed. R. Bankr. P. 7004.

The court will issue a minute order.

150. [09-28779](#)-B-13J J. MANUEL/MARIA CERVANTES  
MET #1

HEARING - MOTION  
FOR ORDER VALUING COLLATERAL OF  
TRAVIS CREDIT UNION  
6-14-09 [[15](#)]

**Disposition Without Oral Argument:** This motion is unopposed. Due to the number of matters on this morning's three related calendars (221 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. \$0.00 of creditor's claim secured by the second deed of trust on real property located at 928 Shadywood Circle, Suisun City 94585, California ("Property") is a secured claim, and the balance of its claim is an unsecured claim.

In the absence of opposition, 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 Wachovia Mortgage with a balance of approximately \$225,904.00. Thus, the value of the collateral available to Travis Credit Union on its second deed of trust is \$0.00.

The court will issue a minute order.

151. [08-30680](#)-B-13J WILLIAM/PATRICIA CONN  
DEF #6

HEARING - MOTION  
TO CONFIRM THIRD AMENDED  
CHAPTER 13 PLAN  
5-29-09 [[65](#)]

**Disposition Without Oral Argument:** This motion is unopposed. Due to the number of matters on this morning's three related calendars (221 matters), the court issues the following abbreviated ruling.

The motion is granted, and the amended plan filed May 29, 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.

152. [09-27080](#)-B-13J JAMES/KAREN MORENO  
WGM #1

CONT. HEARING - OPPOSITION  
TO DEBTORS' MOTION TO VALUE  
COLLATERAL OF LITTON LOAN  
SERVICING  
6-23-09 [[33](#)]

CONT. FROM 7-7-09

**Tentative Ruling:** Due to the number of matters on this morning's three related calendars (221 matters), the court issues the following abbreviated tentative ruling.

This matter is continued to a final evidentiary hearing on August 25, 2009 at 10:00 a.m. before the Honorable David E. Russell in courtroom 32 to determine the value of the real property located at 8556 Vintage Park Drive, Sacramento, California on the date of the filing of the petition.

On or before August 17, 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 August 17, 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 Debtor's Motion to Value Collateral of Litton Loan Servicing." 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. [09-29281](#)-B-13J CHARLES/BARBARA REICH  
RKN #1

HEARING - MOTION TO  
VALUE COLLATERAL OF COUNTRYWIDE  
HOME LENDING NOW BAC HOME  
LOANS SERVICING, L.P.  
6-18-09 [[15](#)]

**Disposition Without Oral Argument:** This motion is unopposed. Due to the number of matters on this morning's three related calendars (221 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. \$0.00 of creditor's claim secured by the second deed of trust on real property located at 8776 Mannington Street, Elk Grove, California 95758 ("Property") is a secured claim, and the balance of its claim is an unsecured claim.

In the absence of opposition, for the purposes of this motion, the Property had a value of \$236,000.00 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 \$393,987.00. Thus, the value of the collateral available to Countrywide Home Lending, now BAC Home Loan Servicing, on its second deed of trust is \$0.00.

The court will issue a minute order.

154. [09-29281](#)-B-13J CHARLES/BARBARA REICH  
JPJ #1

HEARING - TRUSTEE'S  
OBJECTION TO CONFIRMATION OF  
THE CHAPTER 13 PLAN AND  
CONDITIONAL MOTION TO  
DISMISS CASE  
6-23-09 [[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 (221 matters), the court issues the following abbreviated tentative ruling.

The attached motion to value Carmax's collateral is deemed withdrawn. The attached motion to value Countrywide Home Lending's collateral is deemed withdrawn. The trustee's first objection is sustained pursuant to 11 U.S.C. § 1325(b)(1)(B), and the trustee's second objection is overruled. Confirmation of the plan filed May 8, 2009 is denied. The trustee's motion to dismiss is conditionally denied, the conditions being that on or before August 4, 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 attached motions to value are deemed withdrawn because the debtors filed a separate, stand alone motion to value for each, which motions are addressed elsewhere on this calendar.

The court will issue a minute order.

155. [09-29281](#)-B-13J CHARLES/BARBARA REICH  
RKN #2

HEARING - MOTION TO  
VALUE COLLATERAL OF CARMAX  
6-18-09 [[18](#)]

**Disposition Without Oral Argument:** This motion is unopposed. Due to the number of matters on this morning's three related calendars (221 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. \$6,551.00 of Carmax's claim secured by a 2003 Ford Ranger ("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 \$6,551.00 on the date of the petition.

The court will issue a minute order.

156. [09-29581](#)-B-13J JAI SINGH  
JPJ #1

HEARING - TRUSTEE'S  
OBJECTION TO CONFIRMATION OF  
THE CHAPTER 13 PLAN AND  
CONDITIONAL MOTION TO  
DISMISS CASE  
6-23-09 [[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 morning's three related calendars (221 matters), the court issues the following abbreviated tentative ruling.

The attached motion to value the collateral of Equilease Financial Services is denied without prejudice. The trustee's objections are sustained. Confirmation of the plan filed May 13, 2009 is denied. The trustee's motion to dismiss is conditionally denied, the conditions being that on or before August 4, 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.

Debtor 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 court will issue a minute order.

157. [09-29581](#)-B-13J JAI SINGH  
KAT #1

HEARING - OBJECTION TO  
CONFIRMAITON OF CHAPTER 13  
PLAN BY ONE WEST BANK, FSB  
6-24-09 [[20](#)]

**Tentative Ruling:** The objection filed by creditor One West Bank ("OWB") 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 morning's three related calendars (221 matters), the court issues the following abbreviated tentative ruling.

The attached motion to value the collateral of Equilease Financial Services is resolved elsewhere on this calendar. OWB's objections are sustained. Confirmation of the plan filed May 13, 2009 is denied. OWB's request for attorney's fees is denied.

Because OWB has not established that the value of its collateral 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.

158. [09-26382](#)-B-13J LISA GATES  
KAR #1

HEARING - AMENDED MOTION  
FOR PLAN CONFIRMATION  
6-23-09 [[36](#)]

**Tentative Ruling:** Due to the size of this morning's three related calendars (221 matters), the court issues the following abbreviated tentative ruling.

The trustee's objections are sustained, and the motion to confirm the plan filed June 20, 2009 is denied.

The court will issue a minute order.

159. [09-26382](#)-B-13J LISA GATES  
KAR #1

HEARING - TRUSTEE'S  
COUNTER MOTION TO  
CONDITIONALLY DISMISS  
CASE  
7-6-09 [[41](#)]

**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 morning's three related calendars (221 matters), the court issues the following abbreviated tentative ruling.

The countermotion is conditionally denied, the conditions being that on or before August 4, 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.

160. [09-28282](#)-B-13J DAVID/JOANNE MCAULIFFE  
DN #1

HEARING - MOTION TO  
VALUE REAL PROPERTY HELD  
BY CITIBANK N.A.  
7-6-09 [[19](#)]

**Disposition Without Oral Argument:** This motion is unopposed. Due to the number of matters on this morning's three related calendars (221 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. \$0.00 of creditor's claim secured by the junior deed of trust on real property located at 4811 Wiedman Way, Carmichael, California ("Property") is a secured claim, and the balance of its claim is an unsecured claim.

In the absence of opposition, for the purposes of this motion, the Property had a value of \$206,000.00 on the date of the petition. The Property is encumbered by a first deed of trust held by American Servicing Company with a balance of approximately \$264,000.00. Thus, the value of the collateral available to Citibank, N.A. on its junior deed of trust is \$0.00.

The court will issue a minute order.

161. [09-28282](#)-B-13J DAVID/JOANNE MCAULIFFE  
DN #2

HEARING - MOTION TO  
VALUE REAL PROPERTY HELD  
BY U.S. BANK  
7-6-09 [[23](#)]

**Disposition Without Oral Argument:** This motion is unopposed. Due to the number of matters on this morning's three related calendars (221 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. \$0.00 of creditor's claim secured by the junior deed of trust on real property located at 4811 Wiedman Way, Carmichael, California ("Property") is a secured claim, and the balance of its claim is an unsecured claim.

In the absence of opposition, for the purposes of this motion, the Property had a value of \$206,000.00 on the date of the petition. The Property is encumbered by a first deed of trust held by American Servicing Company with a balance of approximately \$264,000.00. Thus, the value of the collateral available to U.S. Bank on its junior deed of trust is \$0.00.

The court will issue a minute order.

162. [09-28282](#)-B-13J DAVID/JOANNE MCAULIFFE  
DN #3

HEARING - MOTION TO  
VALUE REAL PROPERTY HELD  
BY U.S. BANK  
7-6-09 [[27](#)]

**Disposition Without Oral Argument:** This motion is unopposed. Due to the number of matters on this morning's three related calendars (221 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. \$0.00 of creditor's claim secured by the junior deed of trust on real property located at 4811 Wiedman Way, Carmichael, California ("Property") is a secured claim, and the balance of its claim is an unsecured claim.

In the absence of opposition, for the purposes of this motion, the Property had a value of \$206,000.00 on the date of the petition. The Property is encumbered by a first deed of trust held by American Servicing Company with a balance of approximately \$264,000.00. Thus, the value of the collateral available to U.S. Bank on its junior deed of trust is \$0.00.

The court will issue a minute order.

163. [09-29884](#)-B-13J ROHITH/MOREEN SINGH  
APN #1

HEARING - OBJECTION  
TO CONFIRMATION OF CHAPTER 13  
PLAN AND TO THE MOTION TO VALUE  
COLLATERAL CONTAINED THEREIN  
BY WELLS FARGO FINANCIAL  
6-25-09 [[18](#)]

**Disposition Without Oral Argument:** The objection is overruled as moot because the bankruptcy case was converted to one under chapter 7 by order entered on July 12, 2009. (Dkt. 31).

The court will issue a minute order.

164. [09-29884](#)-B-13J ROHITH/MOREEN SINGH  
JPJ #1

HEARING - TRUSTEE'S  
OBJECTION TO CONFIRMATION OF  
THE CHAPTER 13 PLAN AND  
CONDITIONAL MOTION TO  
DISMISS CASED  
6-29-09 [[23](#)]

**Disposition Without Oral Argument:** The objection and countermotion are overruled as moot because the bankruptcy case was converted to one under chapter 7 by order entered on July 12, 2009. (Dkt. 31).

The court will issue a minute order.

165. [08-38585](#)-B-13J JOHN/MARCI KELSO  
WSS #1

HEARING - MOTION TO  
VALUE REAL PROPERTY HELD  
BY US BANK OF CALIFORNIA  
5-25-09 [[19](#)]

**Disposition Without Oral Argument:** This motion is unopposed. Due to the number of matters on this morning's three related calendars (221 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. \$0.00 of creditor's claim secured by the second deed of trust on real property located at 13 Rugosa Oak Court, Chico, California ("Property") is a secured claim, and the balance of its claim is an unsecured claim.

In the absence of opposition, for the purposes of this motion, the Property had a value of \$350,000.00 on the date of the petition. The Property is encumbered by a first deed of trust held by HomeQ Servicing with a balance of approximately \$358,490.00. Thus, the value of the collateral available to U.S. Bank of California on its second deed of trust is \$0.00.

The court will issue a minute order.

166. [08-38585](#)-B-13J JOHN/MARCI KELSO  
WSS #2

HEARING - MOTION TO  
VALUE COLLATERAL OF AMERICAN  
GENERAL FINANCIAL SERVICES, INC.  
6-24-09 [[28](#)]

**Disposition Without Oral Argument:** This motion is unopposed. Due to the number of matters on this morning's three related calendars (221 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. \$7,750.00 of American General Financial Services, Inc.'s claim secured by a 2000 GMC Sierra ("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 \$7,750.00 on the date of the petition.

The court will issue a minute order.

167. [09-29587](#)-B-13J EDWIN/SUSAN GRECO  
JPJ #1

HEARING - TRUSTEE'S  
OBJECTION TO CONFIRMATION OF  
THE CHAPTER 13 PLAN AND  
CONDITIONAL MOTION TO  
DISMISS CASE  
6-23-09 [[21](#)]

**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 (221 matters), the court issues the following abbreviated tentative ruling.

The attached motion to value the collateral of GMAC Mortgage is deemed withdrawn. The trustee's first objection is sustained pursuant to 11 U.S.C. § 1325(b)(1)(B). The trustee's second objection is overruled. Confirmation of the plan filed May 14, 2009 is denied. The trustee's motion to dismiss is conditionally denied, the conditions being that on or before August 4, 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 attached motion to value is deemed withdrawn because debtors filed an identical and stand alone motion to value on June 22, 2009. (Dkt. 17).

The court will issue a minute order.

168. [09-20989](#)-B-13J LISA HIRSCH  
TJW #3

HEARING - DEBTOR'S  
MOTION TO VALUE COLLATERAL  
OF CERTAIN REAL PROPERTY HELD  
BY CHASE  
6-9-09 [[47](#)]

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

The motion is denied as moot.

The bankruptcy case was dismissed by order entered on July 17, 2009. (Dkt. 67).

The court will issue a minute order.

169. [09-29189](#)-B-13J ISABELO/CONCEPCION TUALLA  
WGM #1

HEARING - OBJECTION  
TO CONFIRMATION OF DEBTORS'  
CHAPTER 13 PLAN  
6-22-09 [[16](#)]

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

The objection is overruled without prejudice. Nothing in this ruling constitutes confirmation of any plan.

The procedure for filing a stand-alone objection to confirmation is unavailable to the creditor under ¶ 8(a) of G.O. 05-03, the procedure by which debtors must proceed to confirmation in this case. Creditor Central Mortgage Company may re-file the substance of the objection as opposition to a motion to confirm filed by the debtors.

The court will issue a minute order.

170. [09-29189](#)-B-13J ISABELO/CONCEPCION TUALLA  
MBB #1

HEARING - OBJECTIONS  
TO PROPOSED CHAPTER 13 PLAN  
AND CONFIRMATION THEREOF BY  
BAC HOME SERVICING, LP  
6-26-09 [[24](#)]

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

The objection is overruled without prejudice. Nothing in this ruling constitutes confirmation of any plan.

The procedure for filing a stand-alone objection to confirmation is unavailable to the creditor under ¶ 8(a) of G.O. 05-03, the procedure by which debtors must proceed to confirmation in this case. Creditor BAC Home Loan Servicing, LP FKA Countrywide Home Loans Servicing, LP may re-file the substance of the objection as opposition to a motion to confirm filed by the debtors.

The court will issue a minute order.

171. [09-29589](#)-B-13J RONALD/URSULA VIVIANI  
JPJ #1

HEARING - TRUSTEE'S  
OBJECTION TO CONFIRMATION OF  
THE CHAPTER 13 PLAN AND  
CONDITIONAL MOTION TO  
DISMISS CASE  
6-23-09 [[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 (221 matters), the court issues the following abbreviated tentative ruling.

The attached motion to value Countrywide Home Loans' collateral is deemed withdrawn. The trustee's first and third objections are sustained pursuant to 11 U.S.C. § 1325(a)(6), and the trustee's second objection is overruled. Confirmation of the plan filed May 14, 2009 is denied. The trustee's motion to dismiss is conditionally denied, the conditions being that on or before August 4, 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 attached motion to value is deemed withdrawn because the debtors filed a separate, stand alone motion to value. (Dkt. 15).

The court will issue a minute order.

172. [09-21390](#)-B-13J JOHN/DALE MASTERS  
SAC #3

HEARING - MOTION  
TO CONFIRM SECOND AMENDED  
CHAPTER 13 PLAN  
5-27-09 [[34](#)]

**Disposition Without Oral Argument:** This motion is unopposed. Due to the number of matters on this morning's three related calendars (221 matters), the court issues the following abbreviated ruling.

The motion is granted, and the amended plan filed May 27, 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.

173. [09-24091](#)-B-13J NASER/NIKOUVASH ZAHEDANI  
BJD #1

HEARING - MOTION TO  
CONFIRM AMENDED PLAN  
5-21-09 [[23](#)]

**Disposition Without Oral Argument:** This motion is unopposed. Due to the number of matters on this morning's three related calendars (221 matters), the court issues the following abbreviated ruling.

The motion is granted, and the amended plan filed May 21, 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.

174. [09-26292](#)-B-13J CANDACE HOLLomon  
PGM #2

HEARING - MOTION  
TO VALUE COLLATERAL OF  
WACHOVIA DEALER SERVICES  
6-15-09 [[27](#)]

**Disposition Without Oral Argument:** This motion is unopposed. Due to the number of matters on this morning's three related calendars (221 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. \$3,175.00 of Wachovia Dealer Services' claim secured by a 2002 Chevy Blazer ("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 \$3,175.00 on the date of the petition.

The court will issue a minute order.

175. [09-22993](#)-B-13J ROBERT/DIANA RODRIGUES  
MET #2

HEARING - MOTION  
TO VALUE COLLATERAL OF  
AMERICAN FIRST CREDIT UNION  
6-19-09 [[24](#)]

**Disposition Without Oral Argument:** This motion is unopposed. Due to the number of matters on this morning's three related calendars (221 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. \$11,725.00 of American First Credit Union's claim secured by a 2003 Chevrolet Tahoe Sport Utility vehicle ("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 \$11,725.00 on the date of the petition.

The court will issue a minute order.

176. [09-30594](#)-B-13J ANIVAL/MARIELA CORONA  
JT #1

HEARING - MOTION TO  
VALUE COLLATERAL GMAC MORTGAGE  
6-17-09 [[14](#)]

**Disposition Without Oral Argument:** This motion is unopposed. Due to the number of matters on this morning's three related calendars (221 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. \$0.00 of creditor's claim secured by the second deed of trust on real property located at 2964 Holdrege Way, Sacramento, CA 95835 ("Property") is a secured claim, and the balance of its claim is an unsecured claim.

In the absence of opposition, for the purposes of this motion, the Property had a value of \$190,000.00 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 \$303,825.00. 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.

177. [09-21095](#)-B-13J OMAR/VANESSA FLORES  
ADR #3

HEARING - MOTION TO  
CONFIRM 1ST AMENDED CHAPTER  
13 PLAN  
5-27-09 [[44](#)]

**Disposition Without Oral Argument:** This motion is unopposed. Due to the number of matters on this morning's three related calendars (221 matters), the court issues the following abbreviated ruling.

The motion is granted, and the amended plan filed May 27, 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.

178. [09-25995](#)-B-13J MARIA MONSANTO  
BSJ #1

HEARING - DEBTOR'S  
MOTION TO VALUE REAL PROPERTY  
HELD BY INDYMAC BANK  
6-9-09 [[27](#)]

**Disposition Without Oral Argument:** This motion is unopposed. Due to the number of matters on this morning's three related calendars (221 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. \$0.00 of creditor's claim secured by the second deed of trust on real property located at 4720 Brabant Way, Elk Grove, California 95757 ("Property") is a secured claim, and the balance of its claim is an unsecured claim.

In the absence of opposition, for the purposes of this motion, the Property had a value of \$295,000.00 on the date of the petition. The Property is encumbered by a first deed of trust held by Indymac Bank with a balance of approximately \$401,274.48. Thus, the value of the collateral available to Indymac Bank on its second deed of trust is \$0.00.

The court will issue a minute order.

179. [08-25796](#)-B-13J JOHNNY/KAREN PENA  
FF #2

HEARING - OBJECTION TO  
CLAIM NO. 6 OF INDIANAPOLIS  
CENTER DFAS IN/DEBT AND CLAIMS,  
DEPT 3300  
6-4-09 [[41](#)]

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

The objection is continued to September 15, 2009 at 9:32 a.m. because movant failed to serve creditor Indianapolis Center DFAS IN/ Debt and Claims, Dept. 300 in accordance with Fed. R. Bankr. P. 7004(b). On or before August 2, 2009, the movant shall serve the objection, any supporting documents to the objection, and notice of the continued hearing on Indianapolis Center DFAS IN/ Debt and Claims, Dept. 300 in accordance with Fed. R. Bankr. P. 7004(b). Movant shall also file a notice of the continued hearing with the court. Proof of service shall be filed within three court days thereafter. LBR 9014-1(e)(3). If the movant fail to do any of the foregoing, the objection will be overruled for lack of proper service.

The court will issue a minute order.

180. [08-25796](#)-B-13J JOHNNY/KAREN PENA  
FF #3

HEARING - OBJECTION TO  
CLAIMM NO. 5 OF INDIANAPOLIS  
CENTER DFAS IN/DEBTS AND CLAIMS,  
DEPT 330  
6-4-09 [[44](#)]

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

The objection is continued to September 15, 2009 at 9:32 a.m. because movant failed to serve creditor Indianapolis Center DFAS IN/ Debt and Claims, Dept. 300 in accordance with Fed. R. Bankr. P. 7004(b). On or before August 2, 2009, the movant shall serve the objection, any supporting documents to the objection, and notice of the continued hearing on Indianapolis Center DFAS IN/ Debt and Claims, Dept. 300 in accordance with Fed. R. Bankr. P. 7004(b). Movant shall also file a notice of the continued hearing with the court. Proof of service shall be filed within three court days thereafter. LBR 9014-1(e)(3). If the movant fail to do any of the foregoing, the objection will be overruled for lack of proper service.

The court will issue a minute order.

181. [08-29397](#)-B-13J STANLEY/MARY KOSOSKI  
CYB #2

HEARING - MOTION  
FOR CONFIRMATION OF DEBTORS'  
FIRST AMENDED CHAPTER 13 PLAN  
5-27-09 [[54](#)]

**Disposition Without Oral Argument:** This motion is unopposed. Due to the number of matters on this morning's three related calendars (221 matters), the court issues the following abbreviated ruling.

The motion is granted, and the amended plan filed May 27, 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.

182. [08-38499](#)-B-13J JAMES/ORALIA RODRIGUEZ  
HDR #3

CONT. HEARING - MOTION  
TO CONFIRM AMENDED  
CHAPTER 13 PLAN  
5-5-09 [[50](#)]

CONT. FROM 6-2-09

**Disposition Without Oral Argument:** This matter continued from June 2, 2009 to allow debtors to give all parties in interest at least 39 days' notice of this motion. On June 11, 2009, debtors filed a notice of continued hearing and a certificate of service. Nothing further has been filed in this matter. This motion is unopposed. Due to the number of matters on this morning's three related calendars (221 matters), the court issues the following abbreviated ruling.

The motion is granted, and the amended plan filed May 5, 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.

183. [08-39199](#)-B-13J LEVERT/BARBARA HORNER  
DPR #2

CONT. HEARING - MOTION TO  
VALUE COLLATERAL OF CAL  
STATE 9 CREDIT UNION  
5-3-09 [[27](#)]

CONT. FROM 6-16-09

**Disposition Without Oral Argument:** This matter continued from June 16, 2009 to allow debtors to serve Cal State 9 Credit Union in accordance with Fed. R. Bankr. P. 7004(b). On June 22, 2009, debtors filed a notice of continued hearing and a certificate of service. Nothing further has been filed in this matter. This motion is unopposed. Due to the number of matters on this morning's three related calendars (221 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. \$0.00 of creditor's claim secured by the second deed of trust on real property located at 280 Clearpointe Drive, Vallejo, CA 94591 ("Property") is a secured claim, and the balance of its claim is an unsecured claim.

In the absence of opposition, for the purposes of this motion, the Property had a value of \$316,000.00 on the date of the petition. The Property is encumbered by a first deed of trust held by Accredited Home Lenders, Inc. with a balance of approximately \$447,420.59. Thus, the value of the collateral available to Cal State 9 Credit Union on its second deed of trust is \$0.00.

The court will issue a minute order.

184. [08-39199](#)-B-13J LEVERT/BARBARA HORNER  
DPR #3

CONT. HEARING - MOTION TO  
VALUE COLLATERAL OF THE  
GOLDEN ONE CREDIT UNION  
5-3-09 [[23](#)]

CONT. FROM 6-16-09

**Disposition Without Oral Argument:** This matter continued from June 16, 2009 to allow debtors to serve Golden One Credit Union in accordance with Fed. R. Bankr. P. 7004(b). On June 22, 2009, debtors filed a notice of continued hearing and a certificate of service. Nothing further has been filed in this matter. This motion is unopposed. Due to the number of matters on this morning's three related calendars (221 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. \$17,000.00 of Golden One Credit Union's claim secured by a 2006 Cadillac Escalade ("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 \$17,000.00 on the date of the petition.

The court will issue a minute order.

185. [09-26299](#)-B-13J GEORGE/CHRISTY PARK

HEARING - OBJECTION  
TO CONFIRMATION OF CHAPTER 13  
PLAN BY FIRST MUTUAL SALE  
FINANCE  
7-6-09 [[54](#)]

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

The objection is overruled without prejudice.

The procedure for filing a stand-alone objection to confirmation is unavailable to the creditor under ¶ 8(a) of G.O. 05-03, the procedure by which debtors are proceeding to confirmation in this case. Nevertheless, in this instance, the court will consider the merits of this objection with debtors' motion to confirm, which is resolved elsewhere on this calendar. Nothing in this ruling constitutes confirmation of any plan.

The court will issue a minute order.

186. [09-26299](#)-B-13J GEORGE/CHRISTY PARK  
WSS #1

HEARING - MOTION TO  
VALUE REAL PROPERTY LOCATED  
AT 401 BREMERTON CT., ROSEVILLE,  
CA (HELD BY SELECT PORTFOLIO  
SERVICING, INC.)  
6-8-09 [[49](#)]

**Disposition Without Oral Argument:** This motion is unopposed. Due to the number of matters on this morning's three related calendars (221

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. \$0.00 of creditor's claim secured by the second deed of trust on real property located at 401 Bremerton Ct., Roseville, California ("Property") is a secured claim, and the balance of its claim is an unsecured claim.

In the absence of opposition, for the purposes of this motion, the Property had a value of \$350,000.00 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 \$400,000.00. Thus, the value of the collateral available to Select Portfolio Servicing, Inc. on its second deed of trust is \$0.00.

The court will issue a minute order.

187. [09-26299](#)-B-13J GEORGE/CHRISTY PARK  
WSS #2

HEARING - MOTION TO  
CONFIRMATION OF PLAN  
6-8-09 [[45](#)]

**Tentative Ruling:** Due to the size of this morning's three related calendars (221 matters), the court issues the following abbreviated tentative ruling.

The attached motion to value Select Portfolio Servicing's collateral is deemed withdrawn. Creditor First Mutual Sales Finance's ("FMSF") objection is sustained. The motion to confirm the plan filed June 8, 2009 is denied.

A stand alone motion to value Select Portfolio Servicing's collateral was filed and resolved elsewhere on this calendar. Debtors have not shown that a monthly private school tuition expense of \$900.00 constitutes an amount "reasonably necessary to be expended - for the maintenance or support of the debtor or a dependent" as that language is used in 11 U.S.C. § 1325(b)(2). In re Webb, 262 B.R. 685, 690 (Bankr. E.D. Tex. 2001) ("In the absence of some compelling circumstance. . . a private school education is not reasonably necessary."); In re Watson, 403 F.3d 1, 8 (1<sup>st</sup> Cir. 2005) ("To allow the Watsons to pay parochial school tuition over the life of the proposed plan would require already severely reduced creditors to fund the private education of the Watsons' children.").

The court will issue a minute order.

188. [09-27099](#)-B-13J MILAN BRUICH  
SAK #1

HEARING - MOTION  
TO VALUE COLLATERAL OF SCHOOLS  
FINANCIAL CREDIT UNION  
6-19-09 [[17](#)]

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

189. [09-27599](#)-B-13J DAVID ASFALL  
JPJ #2

HEARING - TRUSTEE'S MOTION  
FOR ORDER CONFIRMING DEBTOR  
IS NOT ELIGIBLE TO RECEIVE A  
DISCHARGE  
6-9-09 [[28](#)]

CASE DISMISSED 6-18-09

**Disposition Without Oral Argument:** The motion is denied as moot because the bankruptcy case was dismissed by order entered on June 19, 2009. (Dkt. 33).

The court will issue a minute order.

190. [09-28747](#)-B-13J LOUIS/SETTA GILKEY  
JPJ #1

CONT. HEARING - TRUSTEE'S  
OBJECTION TO CONFIRMATION OF  
THE CHAPTER 13 PLAN AND  
CONDITIONAL MOTION TO  
DISMISS CASE  
6-9-09 [[13](#)]

CONT. FROM 7-7-09

**Tentative Ruling:** This matter continued from July 7, 2009 without a briefing schedule. Nothing further has been filed in this matter. The trustee's objection and motion to dismiss remain 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 (221 matters), the court issues the following abbreviated tentative ruling.

The trustee's objection is overruled, and the trustee's countermotion is denied. The initial plan filed May 1, 2009 will be confirmed.

The court will follow the IRS approach. In re Napier, no. 06-2464, 2006 Bankr LEXIS 2248 (Bankr. D.S.C. September 18, 2006); In re Pampas, 369 B.R. 290 (Bankr. M.D. La. 2007). Applying that approach, the court finds that Shaurene Gilkey, Jenavieve Gilkey, and Nancy Garcia each constitutes a "qualifying relative" of the debtors as that term is described by Publication 501 of the Internal Revenue Service. See [http://www.irs.gov/publications/p501/ar02.html#en\\_US\\_publink100041887](http://www.irs.gov/publications/p501/ar02.html#en_US_publink100041887). Therefore, Shaurene Gilkey, Jenavieve Gilkey, and Nancy Garcia constitute dependents of the debtors, which shows that debtors' household size is 8.

The court will issue a minute order.

191. [09-29808](#)-B-13J MARLON/JENNIFER PEREZ  
SKI #1

HEARING - OBJECTION  
TO CONFIRMATION OF PROPOSED  
CHAPTER 13 PLAN BY DAIMLER  
TRUST SUCCESSOR TO DCFS TRUST  
7-9-09 [[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 July 9, 2009. General Order 05-03 ¶ 3(c) and the Notice of Chapter 13 Bankruptcy Case, Meeting of Creditors & Deadlines (Dkt. 14) required objections to confirmation and opposition to any attached motions to value to be filed by July 2, 2009.