

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Thomas C. Holman
Bankruptcy Judge
Sacramento, California

July 28, 2009 at 9:31 A.M.

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1. [09-31401](#)-B-7 MARK/SHELLEY NUNELLY HEARING - MOTION FOR
JHW #1 RELIEF FROM AUTOMATIC STAY
CHRYSLER FINANCIAL SERVICES 6-30-09 [[9](#)]
AMERICAS LLC, VS.

Disposition Without Oral Argument: This motion is unopposed. Due to the size of this morning's three related calendars (140 matters), the court issues the following abbreviated ruling.

The motion is granted in part. The automatic stay is modified as against the estate and the debtors pursuant to 11 U.S.C. § 362 (d) (1) and (d) (2) in order to permit the movant to obtain possession of its collateral, 2004 Chrysler PT Cruiser (VIN 3C4FY48B34T259817) ("Collateral"), to dispose of it pursuant to applicable law, and to use the proceeds from its disposition to satisfy its claim including any attorneys' fees awarded herein. The 10-day period specified in Fed. R. Bankr. P. 4001(a) (3) is ordered waived. Except as so ordered, the motion is denied.

Movant alleges without dispute that there is no equity in the Collateral, and the Collateral is necessary to an effective reorganization or rehabilitation in this chapter 7 case. Debtors have filed a statement of intent to surrender the Collateral. The trustee has filed a report of no distribution.

The court will issue a minute order.

2. [09-31505](#)-B-7 ROBERT LOVE HEARING - MOTION FOR
SW #1 RELIEF FROM AUTOMATIC STAY
WACHOVIA DEALER 7-10-09 [[15](#)]
SERVICES, INC., VS.

Tentative Ruling: This is a properly filed motion under LBR 9014-1(f) (2). Opposition may be presented at the hearing. However, in this instance and due to the size of this morning's three related calendars (140 matters), the court issues the following abbreviated tentative ruling.

The motion is denied as moot. The automatic stay terminated as to the collateral, a 2004 Dodge DR2500 (VIN 3D7KU28C74G264184) (the "Collateral"), at 12:01 a.m. on Tuesday, July 7, 2009, by operation of 11 U.S.C. § 362(h), and the Collateral has from that date no longer been

property of the estate.

The debtor did not file a compliant statement of intention with respect to the Collateral within the time allowed by 11 U.S.C. § 521(a)(2).

The court will issue a minute order.

3. [09-29708](#)-B-7 HARJINDER/GAGANPREET SINGH HEARING - MOTION FOR
PD #1 RELIEF FROM AUTOMATIC STAY
AURORA LOAN SERVICES, LLC, VS. 6-30-09 [[18](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the size of this morning's three related calendars (140 matters), the court issues the following abbreviated ruling.

The motion is granted in part. The automatic stay is modified as against the estate and the debtors pursuant to 11 U.S.C. § 362 (d)(1) and (d)(2) in order to permit the movant to foreclose on the real property located at 1147 Parma Road, Stockton, CA 95206 (APN 168-220-64) ("Property") and to obtain possession of the Property following the sale, all in accordance with applicable non-bankruptcy law. The court awards no fees and costs. The 10-day period specified in Fed. R. Bankr. P. 4001(a)(3) is not waived. Except as so ordered, the motion is denied.

Movant alleges without dispute that debtors have failed to make ten (10) mortgage payments. Movant further alleges without dispute that there is no equity in the Property, and the Property is necessary to an effective reorganization or rehabilitation in this chapter 7 case. Debtors have filed a statement of intent to surrender the Property. The trustee has filed a report of no distribution.

The court will issue a minute order.

4. [09-30208](#)-B-7 ALLEN/VICKIE WHITTLE HEARING - MOTION FOR
WGM #1 RELIEF FROM AUTOMATIC STAY
JP MORGAN CHASE BANK, N.A., VS. ON REAL PROPERTY
7-7-09 [[9](#)]

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.

5. [09-29810](#)-B-7 DENNIS/CARMEL LINDNER HEARING - MOTION FOR
KAR #1 RELIEF FROM AUTOMATIC STAY
ALLIANT CREDIT UNION, VS. 6-22-09 [[8](#)]

Tentative Ruling: This is an improperly filed motion under LBR 9014-1(f)(1). The Notice of Hearing fails to specify whether and when written opposition is required. In this instance and due to the size of this morning's three related calendars (140 matters), the court issues the

following abbreviated tentative ruling.

The motion is denied as moot. As to the 2005 Regal 2000 LSR (VIN RGMFK961D505) ("Regal"), the automatic stay terminated at 12:01 a.m. on July 25, 2009 by operation of 11 U.S.C. § 362(h), and the Regal has from that date no longer been property of the estate. As to the SBT 20 (VIN 4FBBC202251013752) ("SBT 20"), the automatic stay terminated as to the SBT 20 at 12:01 a.m. on June 16, 2009 by operation of 11 U.S.C. § 362(h), and the Collateral has from that date no longer been property of the estate. The remainder of the requests contained in the motion are denied.

As to the Regal, there is no evidence that debtors performed their stated intention with respect to the Regal within the time allowed by 11 U.S.C. § 521(a)(2)(B). As to the SBT 20, the debtors did not file a compliant statement of intention with respect to the Collateral within the time allowed by 11 U.S.C. § 521(a)(2).

The court will issue a minute order.

6. [09-32010](#)-B-7 NORMAN KUHN HEARING - MOTION FOR
WGM #1 RELIEF FROM AUTOMATIC STAY
DEUTSCHE BANK NATIONAL TRUST ON REAL PROPERTY
COMPANY, VS. 7-8-09 [7]

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.

7. [09-23711](#)-B-7 RICHARD ANTOGNINI AND HEARING - MOTION FOR
DMM #1 JANICE HALL RELIEF FROM AUTOMATIC STAY
WACHOVIA MORTGAGE, FSB, VS. 6-26-09 [57]

Disposition Without Oral Argument: This motion is unopposed. Due to the size of this morning's three related calendars (140 matters), the court issues the following abbreviated ruling.

The motion is granted in part. The automatic stay is modified as against the estate and the debtors pursuant to 11 U.S.C. § 362 (d)(1) and (d)(2) in order to permit the movant to foreclose on the real property located at 2831 Southcreek Drive, Lincoln, CA 95648 (APN 334-060-037) ("Property") and to obtain possession of the Property following the sale, all in accordance with applicable non-bankruptcy law. The court awards no fees and costs. The 10-day period specified in Fed. R. Bankr. P. 4001(a)(3) is not waived. Except as so ordered, the motion is denied.

Movant alleges without dispute that debtors have failed to make thirty-four (34) mortgage payments. Movant further alleges without dispute that there is no equity in the Property, and the Property is necessary to an effective reorganization or rehabilitation in this chapter 7 case. The trustee has filed a report of no distribution.

The court will issue a minute order.

8. [09-29012](#)-B-7 RAYMOND LARSON HEARING - MOTION FOR
JHW #1 RELIEF FROM AUTOMATIC STAY
CHRYSLER FINANCIAL SERVICES 6-24-09 [[10](#)]
AMERICAS LLC, VS.

Disposition Without Oral Argument: This matter was withdrawn by the moving party on July 22, 2009 (Dkt. 18) and is removed from the calendar.

9. [09-23615](#)-B-7 LAURA LAMONTE HEARING - MOTION FOR
ASW #1 RELIEF FROM AUTOMATIC STAY
MORTGAGE ELECTRONIC REGISTRATION 6-29-09 [[63](#)]
SYSTEMS, INC., VS.

Disposition Without Oral Argument: This motion is unopposed. Due to the size of this morning's three related calendars (140 matters), the court issues the following abbreviated ruling.

The motion is granted in part. The automatic stay is modified as against the estate and the debtor pursuant to 11 U.S.C. § 362 (d) (1) and (d) (2) in order to permit the movant to foreclose on the real property located at 7950 Excelsior Avenue, Orangevale, CA 95662 (APN 227-0020-040-0000) ("Property") and to obtain possession of the Property following the sale, all in accordance with applicable non-bankruptcy law. The court awards no fees and costs. The 10-day period specified in Fed. R. Bankr. P. 4001(a) (3) is waived. Except as so ordered, the motion is denied.

Movant alleges without dispute that debtor has failed to make thirteen (13) mortgage payments. Movant further alleges without dispute that there is no equity in the Property, and the Property is necessary to an effective reorganization or rehabilitation in this chapter 7 case. The trustee has filed a report of no distribution.

The court will issue a minute order.

10. [09-24915](#)-B-7 RODERICO/JACQUELINE BENIPAYO HEARING - MOTION FOR
MBB #1 RELIEF FROM AUTOMATIC STAY
COUNTRYWIDE HOME 6-26-09 [[13](#)]
LOANS, INC., VS.

DISCHARGED 7-7-09

Disposition Without Oral Argument: This motion is unopposed. Due to the size of this morning's three related calendars (140 matters), the court issues the following abbreviated ruling.

The motion is granted in part. As to the debtors, the motion is denied as moot. The debtors received their discharge on July 7, 2009, and the automatic stay as to the debtors ended on that date. 11 U.S.C. § 362(c) (2) (C). As to the estate, the automatic stay is modified pursuant to 11 U.S.C. § 362 (d) (1) and (d) (2) in order to permit the movant to foreclose on the real property located at 9385 Miko Circle, Elk Grove, CA 95624 (APN 121-1030-029) ("Property") and to obtain possession of the

Property following the sale, all in accordance with applicable non-bankruptcy law. The 10-day period specified in Fed. R. Bankr. P. 4001(a)(3) is not waived. Except as so ordered, the motion is denied.

Movant alleges without dispute that debtors have failed to make twenty-one (21) mortgage payments. Movant further alleges without dispute that there is no equity in the Property, and the Property is necessary to an effective reorganization or rehabilitation in this chapter 7 case. The trustee has filed a report of no distribution.

The court will issue a minute order.

11. [09-28515](#)-B-7 KATHY BUSCAGLIA HEARING - MOTION FOR
DMM #1 RELIEF FROM AUTOMATIC STAY
WACHOVIA MORTGAGE, FSB, VS. 6-29-09 [[11](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the size of this morning's three related calendars (140 matters), the court issues the following abbreviated ruling.

The motion is granted in part. The automatic stay is modified as against the estate and the debtor pursuant to 11 U.S.C. § 362 (d)(1) and (d)(2) in order to permit the movant to foreclose on the real property located at 175 Mountain View Avenue, Vallejo, CA 94590 (APN 0054-141-010) ("Property") and to obtain possession of the Property following the sale, all in accordance with applicable non-bankruptcy law. The court awards no fees and costs. The 10-day period specified in Fed. R. Bankr. P. 4001(a)(3) is not waived. Except as so ordered, the motion is denied.

Movant alleges without dispute that debtor has failed to make eleven (11) mortgage payments. Movant further alleges without dispute that there is no equity in the Property, and the Property is necessary to an effective reorganization or rehabilitation in this chapter 7 case. The trustee has filed a report of no distribution.

The court will issue a minute order.

12. [09-28515](#)-B-7 KATHY BUSCAGLIA HEARING - MOTION FOR
DMM #2 RELIEF FROM AUTOMATIC STAY
WACHOVIA MORTGAGE, FSB, VS. 6-29-09 [[17](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the size of this morning's three related calendars (140 matters), the court issues the following abbreviated ruling.

The motion is granted in part. The automatic stay is modified as against the estate and the debtor pursuant to 11 U.S.C. § 362 (d)(1) and (d)(2) in order to permit the movant to foreclose on the real property located at 175 Mountain View Avenue, Vallejo, CA 94590 (APN 0054-141-010) ("Property") and to obtain possession of the Property following the sale, all in accordance with applicable non-bankruptcy law. The court awards no fees and costs. The 10-day period specified in Fed. R. Bankr. P. 4001(a)(3) is not waived. Except as so ordered, the motion is denied.

Movant alleges without dispute that debtor has failed to make eleven (11) mortgage payments. Movant further alleges without dispute that there is no equity in the Property, and the Property is necessary to an effective reorganization or rehabilitation in this chapter 7 case. The trustee has filed a report of no distribution.

The court will issue a minute order.

13. [09-30915](#)-B-7 GARY/KAREN MURATA HEARING - MOTION FOR
EAT #1 RELIEF FROM AUTOMATIC STAY
CHASE HOME FINANCE, LLC, VS. 6-24-09 [[11](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the size of this morning's three related calendars (140 matters), the court issues the following abbreviated ruling.

The motion is granted in part. The automatic stay is modified as against the estate and the debtors pursuant to 11 U.S.C. § 362 (d) (1) and (d) (2) in order to permit the movant to foreclose on the real property located at 8182 Runyon Court, Citrus Heights, CA 95610 (APN 224-0314-008) ("Property") and to obtain possession of the Property following the sale, all in accordance with applicable non-bankruptcy law. The court awards no fees and costs. The 10-day period specified in Fed. R. Bankr. P. 4001(a) (3) is waived. Except as so ordered, the motion is denied.

Movant alleges without dispute that debtors have failed to make eleven (11) mortgage payments. Movant further alleges without dispute that there is no equity in the Property, and the Property is necessary to an effective reorganization or rehabilitation in this chapter 7 case. Debtors have filed a statement of intent to surrender the Property and a notice of non-opposition to the motion. The trustee has filed a report of no distribution.

The court will issue a minute order.

14. [09-32017](#)-B-7 PATRICIA POOLEY HEARING - MOTION FOR
WGM #1 RELIEF FROM AUTOMATIC STAY
JP MORGAN CHASE BANK, N.A., VS. ON REAL PROPERTY
7-9-09 [[13](#)]

Tentative Ruling: This is a properly filed motion under LBR 9014-1(f) (2). Opposition may be presented at the hearing. Because the debtor has filed a statement of intent to surrender the Property and because of the size of this morning's three related calendars (140 matters), the court issues the following abbreviated tentative ruling.

The motion is granted in part. The automatic stay is modified as against the estate and the debtor pursuant to 11 U.S.C. § 362 (d) (1) and (d) (2) in order to permit the movant to foreclose on the real property located at 4426 Spyglass Drive, Stockton, CA 95219 (APN 118-460-35) ("Property") and to obtain possession of the Property following the sale, all in accordance with applicable non-bankruptcy law. The court awards no fees and costs. The 10-day period specified in Fed. R. Bankr. P. 4001(a) (3)

is waived. Except as so ordered, the motion is denied.

Movant alleges without dispute that debtor has failed to make nine (9) mortgage payments. Movant further alleges without dispute that there is no equity in the Property, and the Property is necessary to an effective reorganization or rehabilitation in this chapter 7 case. Debtor has filed a statement of intent to surrender the Property. The trustee has filed a report of no distribution.

The court will issue a minute order.

15. [09-32318](#)-B-7 GORAN/MARA HASIC HEARING - MOTION FOR
JWC #1 RELIEF FROM AUTOMATIC STAY
TRANSFORT FUNDING, LLC, VS. (PERSONAL PROPERTY)
7-13-09 [[7](#)]

Tentative Ruling: This is a properly filed motion under LBR 9014-1(f)(2). Opposition may be presented at the hearing. In this instance and due to the size of this morning's three related calendars (140 matters), the court issues the following abbreviated tentative ruling.

The motion is denied as moot. The automatic stay terminated as to the collateral, a 2000 Wabash Trailer (VIN 1JJV532W5YL713052) (the "Collateral"), at 12:01 a.m. on July 17, 2009, by operation of 11 U.S.C. § 362(h), and the Collateral has from that date no longer been property of the estate.

The debtors did not file a compliant statement of intention with respect to the Collateral within the time allowed by 11 U.S.C. § 521(a)(2).

The court will issue a minute order.

16. [09-25620](#)-B-7 MARY AYALA HEARING - MOTION FOR
KAT #1 RELIEF FROM AUTOMATIC STAY
LITTON LOAN SERVICING, LP, VS. 7-13-09 [[16](#)]

DISCHARGED 7-13-09

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

17. [09-22522](#)-B-7 CHAD GELISSE HEARING - MOTION FOR
RDW #1 RELIEF FROM AUTOMATIC STAY
PATELCO CREDIT UNION, VS. 7-10-09 [[75](#)]

Tentative Ruling: This is a properly filed motion under LBR 9014-1(f)(2). Opposition may be presented at the hearing. In this instance and due to the size of this morning's three related calendars (140

matters), the court issues the following abbreviated tentative ruling.

The motion is denied as moot. The automatic stay terminated as to the collateral, a 2004 Chevrolet Silverado (VIN 2GCEK19T341232380) (the "Collateral"), at 12:01 a.m. on June 27, 2009, by operation of 11 U.S.C. § 362(h), and the Collateral has from that date no longer been property of the estate. The court awards no fees and costs.

The debtor did not file a compliant statement of intention with respect to the Collateral within the time allowed by 11 U.S.C. § 521(a)(2).

The court will issue a minute order.

18. [09-30522](#)-B-7 ANDREW/TAYA DRESSLER HEARING - MOTION FOR
MBB #1 RELIEF FROM AUTOMATIC STAY
UNITED AUTO CREDIT CORP., VS. 6-24-09 [[11](#)]

Tentative Ruling: This is a properly filed motion under LBR 9014-1(f)(1). Because the debtors are in pro se and because of the size of this morning's three related calendars (140 matters), the court issues the following abbreviated tentative ruling.

The motion is granted in part. The automatic stay is modified as against the estate and the debtors pursuant to 11 U.S.C. § 362 (d)(1) and (d)(2) in order to permit the movant to obtain possession of its collateral, 2002 Jeep Liberty (VIN 1J4GL4SKX2W269541) ("Collateral"), to dispose of it pursuant to applicable law, and to use the proceeds from its disposition to satisfy its claim including any attorneys' fees awarded herein. The 10-day period specified in Fed. R. Bankr. P. 4001(a)(3) is ordered waived. Except as so ordered, the motion is denied.

Movant alleges without dispute that debtors have failed to make three (3) payments. Also, movant alleges without dispute that there is no equity in the Collateral, and the Collateral is necessary to an effective reorganization or rehabilitation in this chapter 7 case. The trustee has filed a report of no distribution.

The court will issue a minute order.

19. [09-31723](#)-B-7 BENTON ENTERPRISES, INC. HEARING - MOTION FOR
FWP #1 RELIEF FROM AUTOMATIC STAY
ZIONS FIRST NATIONAL BANK, VS. 7-9-09 [[11](#)]

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.

20. [09-25924](#)-B-7 KEITH/ANGELA MYERS
PD #1
WELLS FARGO BANK, N.A., VS.

HEARING - MOTION FOR
RELIEF FROM AUTOMATIC STAY
6-23-09 [[17](#)]

DISCHARGED 7-14-09

Disposition Without Oral Argument: This motion is unopposed. Due to the size of this morning's three related calendars (140 matters), the court issues the following abbreviated ruling.

The motion is granted in part and denied as moot in part. As to the debtors, the motion is denied as moot. The debtors received their discharge on July 14, 2009, and the automatic stay as to the debtors ended on that date. 11 U.S.C. § 362(c)(2)(C). As to the estate, the automatic stay is modified pursuant to 11 U.S.C. § 362(d)(1) and (d)(2) in order to permit the movant to foreclose on the real property located at 2620 Marsh Wren Way, Elk Grove, CA 95758 (APN 132-0580-026-0000) ("Property") and to obtain possession of the Property following the sale, all in accordance with applicable non-bankruptcy law. The court awards no fees and costs. The 10-day period specified in Fed. R. Bankr. P. 4001(a)(3) is not waived. Except as so ordered, the motion is denied.

Movant alleges without dispute that debtors have failed to make six (6) mortgage payments. Movant further alleges without dispute that there is no equity in the Property, and the Property is necessary to an effective reorganization or rehabilitation in this chapter 7 case. The trustee has filed a report of no distribution.

The court will issue a minute order.

21. [09-30225](#)-B-7 BALDOMERO/LUCILA RUBIO
WGM #1
PHH MORTGAGE CORP., VS.

HEARING - MOTION FOR
RELIEF FROM AUTOMATIC STAY
7-1-09 [[9](#)]

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.

22. [09-29728](#)-B-7 ROSA LOPEZ
SW #1
WACHOVIA DEALER
SERVICES, INC., VS.

HEARING - MOTION FOR
RELIEF FROM AUTOMATIC STAY
7-6-09 [[15](#)]

Tentative Ruling: This is a properly filed motion under LBR 9014-1(f)(2). Opposition may be presented at the hearing. Because the debtor has filed a statement of intention indicating an intent to surrender the Collateral and because of the size of this morning's three related calendars (140 matters), the court issues the following abbreviated tentative ruling.

The motion is granted in part. The automatic stay is modified as against the estate and the debtor pursuant to 11 U.S.C. § 362(d)(1) and (d)(2) in order to permit the movant to obtain possession of its collateral,

2007 Scion TC (VIN JTKDE167070205754) ("Collateral"), to dispose of it pursuant to applicable law, and to use the proceeds from its disposition to satisfy its claim including any attorneys' fees awarded herein. The court awards no fees or costs. The 10-day period specified in Fed. R. Bankr. P. 4001(a)(3) is ordered waived. Except as so ordered, the motion is denied.

Movant alleges without dispute that debtor has failed to make four (4) payments. Also, movant alleges without dispute that there is no equity in the Collateral, and the Collateral is necessary to an effective reorganization or rehabilitation in this chapter 7 case. Debtor has filed a statement of intent to surrender the Collateral, and movant alleges that debtor voluntarily surrendered the Collateral to movant on an unspecified date.

The court will issue a minute order.

23. [09-28930](#)-B-7 SUSAN ARCHER HEARING - MOTION FOR
PD #1 RELIEF FROM AUTOMATIC STAY
U.S. BANK N.A., VS. 6-26-09 [[23](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the size of this morning's three related calendars (140 matters), the court issues the following abbreviated ruling.

The motion is granted in part. The automatic stay is modified as against the estate and the debtor pursuant to 11 U.S.C. § 362 (d)(1) and (d)(2) in order to permit the movant to foreclose on the real property located at 3141 North Walnut Road, Las Vegas, NV 89115 (APN 140-18-110-008) ("Property") and to obtain possession of the Property following the sale, all in accordance with applicable non-bankruptcy law. The court awards attorneys fees equal to the lesser of \$675 or the amount actually billed plus costs of \$150. These fees and costs may be enforced only against the Property. The 10-day period specified in Fed. R. Bankr. P. 4001(a)(3) is waived. Except as so ordered, the motion is denied.

Movant alleges without dispute that debtor has failed to make eight (8) mortgage payments. Movant further alleges without dispute that there is no equity in the Property, and the Property is necessary to an effective reorganization or rehabilitation in this chapter 7 case. Debtor has filed a statement of intent to surrender the Property.

The court will issue a minute order.

24. [09-21332](#)-B-7 CHARLES/IRMA BOCK HEARING - MOTION FOR
KAT #1 RELIEF FROM AUTOMATIC STAY
JP MORGAN CHASE BANK, N.A., VS. 7-7-09 [[88](#)]

DISCHARGED 5-8-09

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

25. [09-25233](#)-B-7 MICHAEL JOHNS HEARING - MOTION FOR
PD #1 RELIEF FROM AUTOMATIC STAY
WELLS FARGO BANK, N.A., VS. 6-30-09 [[14](#)]

DISCHARGED 7-1-09

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

26. [09-28133](#)-B-7 KENNETH/CHRISTINE TADLOCK HEARING - MOTION FOR
MDE #1 RELIEF FROM AUTOMATIC STAY
CITIMORTGAGE, INC., VS. 6-17-09 [[19](#)]

Tentative Ruling: This is a properly filed motion under LBR 9014-1(f)(1). In this instance and because of the size of this morning's three related calendars (140 matters), the court issues the following abbreviated tentative ruling.

The motion is granted in part. The automatic stay is modified as against the estate and the debtors pursuant to 11 U.S.C. § 362 (d)(1) and (d)(2) in order to permit the movant to foreclose on the real property located at 7374 Candlelight Way, Citrus Heights, CA 95621 (APN 3153-029-187) ("Property") and to obtain possession of the Property following the sale, all in accordance with applicable non-bankruptcy law. The court awards no fees and costs. The 10-day period specified in Fed. R. Bankr. P. 4001(a)(3) is not waived. Except as so ordered, the motion is denied.

Movant alleges without dispute that debtors have failed to make five (5) mortgage payments. Movant further alleges without dispute that there is no equity in the Property, and the Property is necessary to an effective reorganization or rehabilitation in this chapter 7 case. The trustee has filed a report of no distribution.

Debtors' opposition fails to address movant's arguments for relief under 11 U.S.C. § 362(d)(1) and (d)(2). Furthermore, the last date to file complaints objecting to the debtors' discharge is the date of this hearing, July 28, 2009. (Dkt. 5) If no such complaint is filed by that date, the debtors will receive their discharge shortly thereafter, and the automatic stay would end as to them by operation of law. 11 U.S.C. § 362(c)(2)(C).

The court will issue a minute order.

27. [09-29533](#)-B-7 MICHAEL SMITH HEARING - MOTION FOR
PD #1 RELIEF FROM AUTOMATIC STAY
BANK OF AMERICA, N.A., VS. 6-30-09 [[15](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the size of this morning's three related calendars (140 matters), the court issues the following abbreviated ruling.

The motion is granted in part. The automatic stay is modified as against the estate and the debtor pursuant to 11 U.S.C. § 362 (d) (1) and (d) (2) in order to permit the movant to foreclose on the real property located at 149 Durkin Drive, Lake Almanor, CA 96137 (APN 103-080-003) ("Property") and to obtain possession of the Property following the sale, all in accordance with applicable non-bankruptcy law. The court awards attorney's fees equal to the lesser of \$675 or the amount actually billed plus costs of \$150. These fees and costs may be enforced only against the Property. The 10-day period specified in Fed. R. Bankr. P. 4001(a) (3) is not waived. Except as so ordered, the motion is denied.

Movant alleges without dispute that debtor has failed to make nine (9) mortgage payments. Movant further alleges without dispute that there is no equity in the Property, and the Property is necessary to an effective reorganization or rehabilitation in this chapter 7 case. Debtor has filed a statement of intent to surrender the Property. The trustee has filed a report of no distribution.

The court will issue a minute order.

28. [09-31033](#)-B-7 JOSE/SUSAN DE JESUS HEARING - MOTION FOR
KAT #1 RELIEF FROM AUTOMATIC STAY
JP MORGAN CHASE BANK N.A., VS. 7-7-09 [[9](#)]

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.

29. [09-24434](#)-B-7 GREGORY/CLARICE BRIDGES HEARING - MOTION FOR
KAT #1 RELIEF FROM AUTOMATIC STAY
DEUTSCHE BANK 7-8-09 [[32](#)]
NATIONAL TRUST CO., VS.

Tentative Ruling: This is a properly filed motion under LBR 9014-1(f) (2). Opposition may be presented at the hearing. Because the debtors are in pro se and because of the size of this morning's three related calendars (140 matters), the court issues the following abbreviated tentative ruling.

The motion is denied as moot.

The bankruptcy case was dismissed by order signed on July 24, 2009.

The court will issue a minute order.

30. [09-30234](#)-B-7 NAM/BUHYUNE KIM HEARING - MOTION FOR
WGM #1 RELIEF FROM AUTOMATIC STAY
LITTON LOAN SERVICING LP, VS. ON REAL PROPERTY
7-1-09 [[17](#)]

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.

31. [09-26038](#)-B-7 IFYEFBI EBELECHUKWU HEARING - MOTION FOR
PPR #1 RELIEF FROM AUTOMATIC STAY
FINANCE AMERICA, LLC, VS. 6-23-09 [[20](#)]

Tentative Ruling: This is a properly filed motion under LBR 9014-1(f)(1). Because the debtor is in pro se and because of the size of this morning's three related calendars (140 matters), the court issues the following abbreviated tentative ruling.

The motion is granted in part. The automatic stay is modified as against the estate and the debtor pursuant to 11 U.S.C. § 362 (d)(1) and (d)(2) in order to permit the movant to foreclose on the real property located at 9394 Brenton Court, Elk Grove, California (APN 127-0660-002) ("Property") and to obtain possession of the Property following the sale, all in accordance with applicable non-bankruptcy law. The court awards no fees and costs. The 10-day period specified in Fed. R. Bankr. P. 4001(a)(3) is not waived. Except as so ordered, the motion is denied.

Movant alleges without dispute that debtor has failed to make thirteen (13) mortgage payments. Movant further alleges without dispute that there is no equity in the Property, and the Property is necessary to an effective reorganization or rehabilitation in this chapter 7 case.

The court will issue a minute order.

32. [09-27438](#)-B-7 THOMAS DECKER HEARING - MOTION FOR
APN #1 RELIEF FROM AUTOMATIC STAY
WELLS FARGO BANK, N.A., VS. ON REAL PROPERTY
6-29-09 [[10](#)]

Tentative Ruling: This is a properly filed motion under LBR 9014-1(f)(1). Because the debtor is in pro se and because of the size of this morning's three related calendars (140 matters), the court issues the following abbreviated tentative ruling.

The motion is granted in part. The automatic stay is modified as against the estate and the debtor pursuant to 11 U.S.C. § 362 (d)(1) and (d)(2) in order to permit the movant to foreclose on the real property located

at 23312 Rollin Oaks Lane, Dunnigan, California 95937 (APN 051-140-45) ("Property") and to obtain possession of the Property following the sale, all in accordance with applicable non-bankruptcy law. The 10-day period specified in Fed. R. Bankr. P. 4001(a)(3) is not waived. Except as so ordered, the motion is denied.

Movant alleges without dispute that debtor has failed to make six (6) mortgage payments. Movant further alleges without dispute that there is no equity in the Property, and the Property is necessary to an effective reorganization or rehabilitation in this chapter 7 case. The trustee has filed a report of no distribution.

The court will issue a minute order.

33. [09-28438](#)-B-7 MICHAEL/AMBER BARNES HEARING - MOTION FOR
MET #1 RELIEF FROM AUTOMATIC STAY
BANK OF THE WEST, VS. 6-17-09 [[9](#)]

Tentative Ruling: This is a properly filed motion under LBR 9014-1(f)(1). In this instance and due to the size of this morning's three related calendars (140 matters), the court issues the following abbreviated tentative ruling.

The motion is denied as moot. Considering the automatic extension provided by Fed. R. Bankr. P. 9006(a), the automatic stay terminated as to the collateral, a 1999 King of the Road Fifth Wheel (VIN 1DRRF2921XB075873) (the "Collateral"), at 12:01 a.m. on June 2, 2009, by operation of 11 U.S.C. § 362(h), and the Collateral has from that date no longer been property of the estate.

The debtors did not file a compliant statement of intention with respect to the Collateral within the time allowed by 11 U.S.C. § 521(a)(2).

The court will issue a minute order.

34. [09-29738](#)-B-7 KATHRYN BRAITMAN HEARING - MOTION FOR
RFM #1 RELIEF FROM AUTOMATIC STAY
KEYBANK, USA, VS. 7-8-09 [[14](#)]

Tentative Ruling: This is a properly filed motion under LBR 9014-1(f)(2). Opposition may be presented at the hearing. In this instance and due to the size of this morning's three related calendars (140 matters), the court issues the following abbreviated tentative ruling.

The motion is denied as moot. Considering the automatic extension provided by Fed. R. Bankr. P. 9006(a), the automatic stay terminated as to the collateral, a 2004 Centurion Elite Boat (VIN FIND3189B404), a 2004 Mercruiser motor (# DM395455), and a 2004 Tandem Trailer (VIN 1VMBG232741024296) (collectively the "Collateral"), at 12:01 a.m. on June 16, 2009, by operation of 11 U.S.C. § 362(h), and the Collateral has from that date no longer been property of the estate.

The debtor did not file a compliant statement of intention with respect to the Collateral within the time allowed by 11 U.S.C. § 521(a)(2).

The court will issue a minute order.

35. [09-26539](#)-B-7 DANIEL/KIMBERLEE MAY HEARING - MOTION FOR
MET #1 RELIEF FROM AUTOMATIC STAY
BANK OF THE WEST, VS. 6-29-09 [[12](#)]

Tentative Ruling: This is a properly filed motion under LBR 9014-1(f)(1). In this instance and due to the size of this morning's three related calendars (140 matters), the court issues the following abbreviated tentative ruling.

The motion is denied as moot. The automatic stay terminated as to the collateral, a 2006 Holiday Rambler Next Level Motor Home (VIN 1KB192J236E162891) (the "Collateral"), at 12:01 a.m. on June 13, 2009, by operation of 11 U.S.C. § 362(h), and the Collateral has from that date no longer been property of the estate.

There is no evidence that debtors performed their stated intention with respect to the Collateral (reaffirmation) within the time allowed by 11 U.S.C. § 521(a)(2)(B).

The court will issue a minute order.

36. [09-31340](#)-B-7 RAFAEL/TERESA DEL RIO HEARING - MOTION FOR
SW #1 RELIEF FROM AUTOMATIC STAY
WACHOVIA DEALER SERVICES, INC., VS. 7-1-09 [[7](#)]

Tentative Ruling: This is a properly filed motion under LBR 9014-1(f)(2). Opposition may be presented at the hearing. In this instance and due to the size of this morning's three related calendars (140 matters), the court issues the following abbreviated tentative ruling.

The motion is denied as moot. Considering the automatic extension provided by Fed. R. Bankr. P. 9006(a), the automatic stay terminated as to the collateral, a 2005 Ford F-150 (VIN 1FTPW12555KC35159) (the "Collateral"), at 12:01 a.m. on July 7, 2009, by operation of 11 U.S.C. § 362(h), and the Collateral has from that date no longer been property of the estate.

The debtors did not file a compliant statement of intention with respect to the Collateral within the time allowed by 11 U.S.C. § 521(a)(2).

The court will issue a minute order.

37. [09-31540](#)-B-7 ERIC/CORYNNA TABERNERO HEARING - MOTION FOR
WGM #1 RELIEF FROM AUTOMATIC STAY
U.S. BANK, N.A., VS. ON REAL PROPERTY
7-13-09 [[9](#)]

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.

38. [09-32941](#)-B-7 DANIEL/FELISHA MORTON HEARING - MOTION FOR
KAT #1 RELIEF FROM AUTOMATIC STAY
ONE WEST BANK FSB, VS. 7-7-09 [[8](#)]

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.

39. [09-25844](#)-B-7 GERARD LONG AND HEARING - MOTION FOR
MBB #1 MARGARET JENSEN RELIEF FROM AUTOMATIC STAY
GREENPOINT MORTGAGE 6-19-09 [[22](#)]
FUNDING, INC., VS.

Disposition Without Oral Argument: This motion is unopposed. Due to the size of this morning's three related calendars (140 matters), the court issues the following abbreviated ruling.

The motion is granted in part. The automatic stay is modified as against the estate and the debtors pursuant to 11 U.S.C. § 362 (d)(1) and (d)(2) in order to permit the movant to foreclose on the real property located at 37394 Cypress Avenue, Burney, CA 96013 (APN 028-440-004) ("Property") and to obtain possession of the Property following the sale, all in accordance with applicable non-bankruptcy law. The 10-day period specified in Fed. R. Bankr. P. 4001(a)(3) is waived. Except as so ordered, the motion is denied.

Movant alleges without dispute that debtors have failed to make nine (9) mortgage payments. Movant further alleges without dispute that there is no equity in the Property, and the Property is necessary to an effective reorganization or rehabilitation in this chapter 7 case. Debtors have filed a statement of intent to surrender the Property.

The court will issue a minute order.

40. [09-25844](#)-B-7 GERARD LONG AND HEARING - MOTION FOR
KAT #1 MARGARET JENSEN RELIEF FROM AUTOMATIC STAY
FIRST HORIZON HOME 7-10-09 [[32](#)]
LOANS, VS.

Tentative Ruling: This is a properly filed motion under LBR 9014-1(f)(2). Opposition may be presented at the hearing. Because the debtors have filed a statement of intent to surrender the Property and because of the size of this morning's three related calendars (140 matters), the court issues the following abbreviated tentative ruling.

The motion is granted in part. The automatic stay is modified as against the estate and the debtors pursuant to 11 U.S.C. § 362 (d)(1) and (d)(2) in order to permit the movant to foreclose on the real property located at 21664 Oregon Street, Burney, CA 96013 (APN 030-170-019) ("Property") and to obtain possession of the Property following the sale, all in accordance with applicable non-bankruptcy law. The 10-day period specified in Fed. R. Bankr. P. 4001(a)(3) is waived. Except as so ordered, the motion is denied.

Movant alleges without dispute that debtors have failed to make ten (10) mortgage payments. Movant further alleges without dispute that there is no equity in the Property, and the Property is necessary to an effective reorganization or rehabilitation in this chapter 7 case. Debtors have filed a statement of intent to surrender the Property.

The court will issue a minute order.

41. [09-28045](#)-B-7 JOHN/LISA USSERY HEARING - MOTION FOR
PD #3 RELIEF FROM AUTOMATIC STAY
BANK OF AMERICA, N.A., VS. 6-26-09 [[30](#)]

Tentative Ruling: This is a properly filed motion under LBR 9014-1(f)(1). Because the debtors are in pro se and because of the size of this morning's three related calendars (140 matters), the court issues the following abbreviated tentative ruling.

The motion is granted in part. The automatic stay is modified as against the estate and the debtors pursuant to 11 U.S.C. § 362 (d)(1) and (d)(2) in order to permit the movant to foreclose on the real property located at 324 Chelmsfield Court, Roseville, CA 95747 (APN 481-210-035) ("Property") and to obtain possession of the Property following the sale, all in accordance with applicable non-bankruptcy law. The court awards no fees and costs. The 10-day stay of Fed.R.Bankr.P. 4001(a)(3) is not waived. Except as so ordered, the motion is denied.

Movant alleges without dispute that debtors have failed to make eight (8) mortgage payments. Movant further alleges without dispute that there is no equity in the Property, and the Property is not necessary to an effective reorganization or rehabilitation in this chapter 7 case. The trustee filed a report of no distribution.

Because the movant 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.

42. 09-27846-B-7 JERRY/MELENIE SAM CONT. HEARING - MOTION FOR
WGM #1 RELIEF FROM AUTOMATIC STAY
DEUTSCHE BANK NATIONAL ON REAL PROPERTY
TRUST CO., VS. 6-3-09 [[11](#)]

CONT. FROM 6-30-09

Tentative Ruling: This matter continued from June 30, 2009. Opposition was due July 14, 2009. Replies, if any, were July 21, 2009. The debtors timely filed an opposition on July 10, 2009. In this instance, due to the number of matters on this morning's three related calendars (140 matters), the court issues the following abbreviated tentative ruling.

The motion is granted in part. The automatic stay is modified as against the estate and the debtors pursuant to 11 U.S.C. § 362 (d)(1) and (d)(2) in order to permit the movant to foreclose on the real property located at 9535 Palazzo Drive, Stockton, CA 95212 (APN 124-160-73) ("Property") and to obtain possession of the Property following the sale, all in accordance with applicable non-bankruptcy law. The court awards no fees and costs. The 10-day stay of Fed.R.Bankr.P. 4001(a)(3) is not waived. Except as so ordered, the motion is denied.

Movant alleges without dispute that debtors have failed to make six (6) mortgage payments. Movant further alleges without dispute that there is no equity in the Property, and the Property is not necessary to an effective reorganization or rehabilitation in this chapter 7 case. The trustee filed a report of no distribution.

Counterclaims and offsets are not properly adjudicated on a motion for relief from automatic stay; however, the court may consider the existence of the allegations in exercising its discretion to grant or deny relief on the motion. Biggs v. Stovin (In re Luz Int'l.), 219 B.R. 837, 841-42 (B.A.P. 9th Cir. 1998); In re Bialac, 694 F.2d 625, 627 (9th Cir. 1982). Here, debtors in essence ask the court to assume the truth of the debtors' allegations regarding the rescission of the loan transaction and to deny relief on that basis. The court declines to do so. The loan was made in 2006, and movant alleges without dispute that the debtors have failed to make six (6) mortgage payments. Based on the foregoing, the court finds that movant has established cause for relief from the automatic stay.

Nothing in this ruling prevents the debtors from asserting in any other forum that the loan transaction has been rescinded.

The court will issue a minute order.

43. [09-31246](#)-B-7 JAMES/DENISE SALLEE
RCO #1
MORTGAGE ELECTRONIC REGISTRATION
SYSTEMS, INC., VS.

HEARING - MOTION FOR
RELIEF FROM AUTOMATIC STAY
6-22-09 [[9](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the number of matters on this morning's three related calendars (140 matters), the court issues the following abbreviated ruling.

The motion is granted in part. The automatic stay is modified as against the estate and the debtors pursuant to 11 U.S.C. § 362 (d) (1) and (d) (2) in order to permit the movant to foreclose on the real property located at 28165 Acorn Lane, Tracy, CA 95304 (APN 248-420-02) ("Property") and to obtain possession of the Property following the sale, all in accordance with applicable non-bankruptcy law. The court awards no fees and costs. The 10-day stay of Fed.R.Bankr.P. 4001(a) (3) is not waived. Except as so ordered, the motion is denied.

Movant alleges without dispute that debtors have failed to make nine (9) mortgage payments. Movant further alleges without dispute that there is no equity in the Property, and the Property is not necessary to an effective reorganization or rehabilitation in this chapter 7 case. The trustee filed a report of no distribution.

Because the movant 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.

44. [09-27947](#)-B-7 DANIEL/BARBARA SILVERBURG
DJD #1
PROVIDENT FUNDING
ASSOCIATES, L.P., VS.

HEARING - MOTION FOR
RELIEF FROM AUTOMATIC STAY
6-23-09 [[13](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the number of matters on this morning's three related calendars (140 matters), the court issues the following abbreviated ruling.

The motion is granted in part. The automatic stay is modified as against the estate and the debtors pursuant to 11 U.S.C. § 362 (d) (1) and (d) (2) in order to permit the movant to foreclose on the real property located at 1344 Somerset Drive, West Sacramento, CA (APN 014-540-74) ("Property") and to obtain possession of the Property following the sale, all in accordance with applicable non-bankruptcy law. The 10-day stay of Fed.R.Bankr.P. 4001(a) (3) is not waived. Except as so ordered, the motion is denied.

Movant alleges without dispute that debtors have failed to make nine (9) mortgage payments. Movant further alleges without dispute that there is no equity in the Property, and the Property is not necessary to an effective reorganization or rehabilitation in this chapter 7 case. The debtors have filed a statement of intent to surrender the Property. The trustee filed a report of no distribution.

The court will issue a minute order.

45. [09-30548](#)-B-11 CYNTHIA SHERIDAN CONT. HEARING - MOTION FOR
ARM #1 RELIEF FROM AUTOMATIC STAY
TNT INVESTMENTS, INC., VS. 6-26-09 [[22](#)]

CONT. FROM 7-14-09

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

46. [09-29049](#)-B-7 WILLIAM/RITA DONNELLY HEARING - MOTION FOR
PD #1 RELIEF FROM AUTOMATIC STAY
BANK OF AMERICA, N.A., VS. 7-1-09 [[25](#)]

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.

47. [09-27853](#)-B-7 JAMES/MICHELLE EWING HEARING - MOTION FOR
PD #1 RELIEF FROM AUTOMATIC STAY
HSBC BANK USA, N.A., VS. 6-25-09 [[20](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the number of matters on this morning's three related calendars (140 matters), the court issues the following abbreviated ruling.

The motion is granted in part. The automatic stay is modified as against the estate and the debtors pursuant to 11 U.S.C. § 362 (d)(1) and (d)(2) in order to permit the movant to foreclose on the real property located at 8815 Dunes Court, #7-306, Kissimmie, FL 34747 (APN 062527297500010010) ("Property") and to obtain possession of the Property following the sale, all in accordance with applicable non-bankruptcy law. The court awards no fees and costs. The 10-day stay of Fed.R.Bankr.P. 4001(a)(3) is waived. Except as so ordered, the motion is denied.

Movant alleges without dispute that debtors have failed to make thirteen (13) mortgage payments. Movant further alleges without dispute that there is no equity in the Property, and the Property is not necessary to an effective reorganization or rehabilitation in this chapter 7 case. The debtors have filed a statement of intent to surrender the Property. The trustee filed a report of no distribution.

Because the movant 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.

48. [09-33153](#)-B-7 ROBERT LUSHER HEARING - MOTION FOR
KAT #1 RELIEF FROM AUTOMATIC STAY
JP MORGAN CHASE BANK, N.A., VS. 7-10-09 [[9](#)]

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.

49. [09-28355](#)-B-7 ROBERT/JEAN BUWALDA HEARING - MOTION FOR
PD #1 RELIEF FROM AUTOMATIC STAY
WELLS FARGO BANK, NA, VS. 6-18-09 [[14](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the number of matters on this morning's three related calendars (140 matters), the court issues the following abbreviated ruling.

The motion is granted in part. The automatic stay is modified as against the estate and the debtors pursuant to 11 U.S.C. § 362 (d)(1) and (d)(2) in order to permit the movant to foreclose on the real property located at 8499 Central Avenue, Orangevale, CA 95662 (APN 259-0244-007-0000) ("Property") and to obtain possession of the Property following the sale, all in accordance with applicable non-bankruptcy law. The court awards fees and costs equal to the lesser of \$675 or the amount actually billed plus costs of \$150. The 10-day stay of Fed.R.Bankr.P. 4001(a)(3) is not waived. Except as so ordered, the motion is denied.

Movant alleges without dispute that debtors have failed to make six (6) mortgage payments. Movant further alleges without dispute that there is no equity in the Property, and the Property is not necessary to an effective reorganization or rehabilitation in this chapter 7 case. The debtors have filed a statement of intent to surrender the Property. The trustee filed a report of no distribution.

Because the value of the Property exceeds movant's claim, movant is awarded attorneys fees equal to the lesser of \$675 or the amount actually billed plus costs of \$150. These fees and costs may be enforced only against the Property.

The court will issue a minute order.

50. [09-25258](#)-B-7 VANCE/KIMBERLY SNYDER HEARING - MOTION FOR
DMM #1 RELIEF FROM AUTOMATIC STAY
WACHOVIA MORTGAGE, FSB, VS. 6-29-09 [[14](#)]

DISCHARGED 7-7-09

Disposition Without Oral Argument: This motion is unopposed. Due to the number of matters on this morning's three related calendars (140 matters), the court issues the following abbreviated ruling.

The motion is granted in part and denied as moot in part. As to the debtors, the motion is denied as moot. The debtors received their discharge on July 7, 2009, and the automatic stay as to the debtors ended on that date. 11 U.S.C. § 362(c)(2)(C). As to the estate, the automatic stay is modified pursuant to 11 U.S.C. § 362(d)(1) and (d)(2) in order to permit the movant to foreclose on the real property located at 15382 Garder Road, Gardner KS 66030 ("Property") and to obtain possession of the Property following the sale, all in accordance with applicable non-bankruptcy law. The court awards no fees and costs. The 10-day stay of Fed.R.Bankr.P. 4001(a)(3) is waived. Except as so ordered, the motion is denied.

Movant alleges without dispute that debtors have failed to make eight (8) mortgage payments. Movant further alleges without dispute that there is no equity in the Property, and the Property is not necessary to an effective reorganization or rehabilitation in this chapter 7 case. The debtors have filed a statement of intent to surrender the Property. The trustee filed a report of no distribution.

Because the movant 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.

51. [09-26858](#)-B-7 JONATHAN TORRES
DMM #1
WACHOVIA MORTGAGE, FSB, VS.

HEARING - MOTION FOR
RELIEF FROM AUTOMATIC STAY
6-29-09 [[25](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the number of matters on this morning's three related calendars (140 matters), the court issues the following abbreviated ruling.

The motion is granted in part. The automatic stay is modified as against the estate and the debtors pursuant to 11 U.S.C. § 362(d)(1) and (d)(2) in order to permit the movant to foreclose on the real property located at 8112 Le Mans Avenue, Stockton, CA (APN 090-300-33) ("Property") and to obtain possession of the Property following the sale, all in accordance with applicable non-bankruptcy law. The court awards no fees and costs. The 10-day stay of Fed.R.Bankr.P. 4001(a)(3) is not waived. Except as so ordered, the motion is denied.

Movant alleges without dispute that debtors have failed to make fifteen (15) mortgage payments. Movant further alleges without dispute that there is no equity in the Property, and the Property is not necessary to an effective reorganization or rehabilitation in this chapter 7 case. The debtor has filed a statement of intent to surrender the Property. The trustee filed a report of no distribution.

Because the movant 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.

52. [09-30658](#)-B-7 SERGEY/VERA ZHUK HEARING - MOTION FOR
RSS #1 RELIEF FROM AUTOMATIC STAY
FIRST FEDERAL BANK 7-9-09 [[23](#)]
OF CALIFORNIA, VS.

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

53. [09-25859](#)-B-7 EJIMO/TALISA BEALUM HEARING - MOTION FOR
EAT #1 RELIEF FROM AUTOMATIC STAY
ONE WEST BANK, FSB, VS. 6-19-09 [[11](#)]

DISCHARGED 7-15-09

Disposition Without Oral Argument: This motion is unopposed. Due to the number of matters on this morning's three related calendars (140 matters), the court issues the following abbreviated ruling.

The motion is granted in part and denied as moot in part. As to the debtors, the motion is denied as moot. The debtors received their discharge on July 15, 2009, and the automatic stay as to the debtors ended on that date. 11 U.S.C. § 362(c)(2)(C). As to the estate, the automatic stay is modified pursuant to 11 U.S.C. § 362(d)(1) and (d)(2) in order to permit the movant to foreclose on the real property located at 1850 Caversham Way, Folsom, CA 95630 (APN 072-2420-011) ("Property") and to obtain possession of the Property following the sale, all in accordance with applicable non-bankruptcy law. The 10-day stay of Fed.R.Bankr.P. 4001(a)(3) is not waived. Except as so ordered, the motion is denied.

Movant alleges without dispute that debtors have failed to make eleven (11) mortgage payments. Movant further alleges without dispute that there is no equity in the Property, and the Property is not necessary to an effective reorganization or rehabilitation in this chapter 7 case.

The court will issue a minute order.

54. [09-30159](#)-B-7 ALLAN LEDESMA AND HEARING - MOTION FOR
KAT #1 REGINA OWENS RELIEF FROM AUTOMATIC STAY
DEUTSCHE BANK NATIONAL 7-9-09 [[16](#)]
TRUST COMPANY, VS.

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

55. [09-33359](#)-B-7 DANIELLE WILLIAMS HEARING - MOTION FOR
DMG #1 RELIEF FROM AUTOMATIC STAY
CONSUMER PORTFOLIO 7-7-09 [[11](#)]
SERVICES, INC., VS.

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

56. [09-24160](#)-B-7 STEPHEN/SONIA CURTICE HEARING - MOTION FOR
PD #1 RELIEF FROM AUTOMATIC STAY
AMERICAN HOME MORTGAGE 6-30-09 [[38](#)]
SERVICING, INC., VS.

Disposition Without Oral Argument: This motion is unopposed. Due to the number of matters on this morning's three related calendars (140 matters), the court issues the following abbreviated ruling.

The motion is granted in part. The automatic stay is modified as against the estate and the debtors pursuant to 11 U.S.C. § 362 (d)(1) and (d)(2) in order to permit the movant to foreclose on the real property located at 6236 Jack Hill Drive, Oroville, CA 95966 (APN 069-300-021-000) ("Property") and to obtain possession of the Property following the sale, all in accordance with applicable non-bankruptcy law. The court awards no fees and costs. The 10-day stay of Fed.R.Bankr.P. 4001(a)(3) is not waived. Except as so ordered, the motion is denied.

Movant alleges without dispute that debtors have failed to make eleven (11) mortgage payments. Movant further alleges without dispute that there is no equity in the Property, and the Property is not necessary to an effective reorganization or rehabilitation in this chapter 7 case. The trustee filed a report of no distribution.

Because the movant 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.

57. [09-25861](#)-B-7 DONALD/TERRY STUTZMAN HEARING - MOTION FOR
PPR #1 RELIEF FROM AUTOMATIC STAY
FIRST FRANKLIN FINANCIAL 6-16-09 [[15](#)]
CORPORATION, VS.

Disposition Without Oral Argument: This motion is unopposed. Due to the number of matters on this morning's three related calendars (140 matters), the court issues the following abbreviated ruling.

The motion is granted in part and denied as moot in part. As to the debtors, the motion is denied as moot. The debtors received their discharge on July 15, 2009, and the automatic stay as to the debtors

ended on that date. 11 U.S.C. § 362(c)(2)(C). As to the estate, the automatic stay is modified pursuant to 11 U.S.C. § 362(d)(1) and (d)(2) in order to permit the movant to foreclose on the real property located at 1359 Starlite Lane, Yuba City, CA (APN 22-181-008) ("Property") and to obtain possession of the Property following the sale, all in accordance with applicable non-bankruptcy law. The court awards no fees and costs. The 10-day stay of Fed.R.Bankr.P. 4001(a)(3) is waived. Except as so ordered, the motion is denied.

Movant alleges without dispute that debtors have failed to make seventeen (17) mortgage payments. Movant further alleges without dispute that there is no equity in the Property, and the Property is not necessary to an effective reorganization or rehabilitation in this chapter 7 case.

Because the movant 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.

58. [09-30461](#)-B-7 DAVID/KAREN VAVZINCAK
WGM #1
JP MORGAN CHASE BANK, N.A., VS.

HEARING - MOTION FOR
RELIEF FROM AUTOMATIC STAY
ON REAL PROPERTY
6-22-09 [9]

Tentative Ruling: This is a properly filed motion under LBR 9014-1(f)(2). Opposition may be presented at the hearing. However, because debtors have filed a statement of intent to surrender the Property and because of the number of matters on this morning's three related calendars (140 matters), the court issues the following tentative ruling.

The motion is granted in part. The automatic stay is modified as against the estate and the debtors pursuant to 11 U.S.C. § 362(d)(1) and (d)(2) in order to permit the movant to foreclose on the real property located at 801 S. Sacramento Street, Lodi, CA 95240 (APN 045-240-14) ("Property") and to obtain possession of the Property following the sale, all in accordance with applicable non-bankruptcy law. The court awards no fees and costs. The 10-day stay of Fed.R.Bankr.P. 4001(a)(3) is not waived. Except as so ordered, the motion is denied.

Movant alleges without dispute that debtors have failed to make eleven (11) mortgage payments. Movant further alleges without dispute that there is no equity in the Property, and the Property is not necessary to an effective reorganization or rehabilitation in this chapter 7 case. The debtors have filed a statement of intent to surrender the Property. The trustee filed a report of no distribution.

Because the movant 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.

59. [09-26565](#)-B-7 JAVIER/VIRGINIA BECERRA HEARING - MOTION FOR
PD #1 RELIEF FROM AUTOMATIC STAY
AURORA LOAN SERVICES LLC, VS. 6-29-09 [[13](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the number of matters on this morning's three related calendars (140 matters), the court issues the following abbreviated ruling.

The motion is granted in part and denied as moot in part. As to the debtors, the motion is denied as moot. The debtors received a discharge on July 24, 2009, and the automatic stay as to the debtors ended on that date. 11 U.S.C. § 362(c)(2)(C). As to the estate, the automatic stay is modified pursuant to 11 U.S.C. § 362(d)(1) and (d)(2) in order to permit the movant to foreclose on the real property located at 1042 Van Buren Street, Fairfield, CA 94533 (APN 31-114-190) ("Property") and to obtain possession of the Property following the sale, all in accordance with applicable non-bankruptcy law. The court awards no fees and costs. The 10-day period specified in Fed. R. Bankr. P. 4001(a)(3) is not waived. Except as so ordered, the motion is denied.

Movant alleges without dispute that debtors have failed to make nine (9) mortgage payments. Movant further alleges without dispute that there is no equity in the Property, and the Property is not necessary to an effective reorganization or rehabilitation in this chapter 7 case. The trustee has filed a report of no distribution.

Because the movant 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.

60. [09-28865](#)-B-7 MARK/KAREN WHISNANT HEARING - MOTION FOR
PD #1 RELIEF FROM AUTOMATIC STAY
BANK OF AMERICA, N.A., VS. 6-19-09 [[12](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the number of matters on this morning's three related calendars (140 matters), the court issues the following abbreviated ruling.

The motion is granted in part. The automatic stay is modified as against the estate and the debtors pursuant to 11 U.S.C. § 362(d)(1) and (d)(2) in order to permit the movant to foreclose on the real property located at 14103 Ryan's Ranch Road, Grass Valley, CA 95945 (APN 38-350-13) ("Property") and to obtain possession of the Property following the sale, all in accordance with applicable non-bankruptcy law. The court awards no fees and costs. The 10-day stay of Fed.R.Bankr.P. 4001(a)(3) is not waived. Except as so ordered, the motion is denied.

Movant alleges without dispute that debtors have failed to make eight (8) mortgage payments. Movant further alleges without dispute that there is no equity in the Property, and the Property is not necessary to an effective reorganization or rehabilitation in this chapter 7 case. The trustee filed a report of no distribution.

Because the movant 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.

61. [09-29165](#)-B-11 JAMES REID
ND #1
U.S. BANK NA, VS.

CONT. HEARING - MOTION FOR
RELIEF FROM AUTOMATIC STAY
ON REAL PROPERTY
6-11-09 [[14](#)]

CONT. FROM 6-30-09

Disposition Without Oral Argument: This matter was continued from June 30, 2009 with a briefing schedule. Opposition was due July 7, 2009. A reply, if any, was due July 14, 2009. Nothing further has been filed in this matter. The failure of any party in interest to file timely written opposition within the time fixed by the court is considered consent to the granting of the motion. See Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995); LBR 9014-1(f)(1). Therefore, this matter is resolved without oral argument.

The motion is granted in part. The automatic stay is modified as against the estate and the debtors pursuant to 11 U.S.C. § 362 (d)(1) and (d)(2) in order to permit the movant to foreclose on the real property located at 834 6th Street, Vallejo, CA 94591 (APN 0061-181-330) ("Property") and to obtain possession of the Property following the sale, all in accordance with applicable non-bankruptcy law. The court awards no fees and costs. The 10-day stay of Fed.R.Bankr.P. 4001(a)(3) is waived. Except as so ordered, the motion is denied.

Movant alleges without dispute that debtor has failed to make twelve (12) mortgage payments. Movant further alleges without dispute that there is no equity in the Property, and the Property is not necessary to an effective reorganization or rehabilitation in this chapter 11 case.

Because the movant 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.

62. [09-30773](#)-B-7 DANIEL/JAMIE RAMIREZ
JHW #1
CHRYSLER FINANCIAL SERVICES
AMERICAS LLC, VS.

HEARING - MOTION FOR
RELIEF FROM AUTOMATIC STAY
6-26-09 [[8](#)]

Tentative Ruling: This motion is unopposed. Due to the number of matters on this morning's three related calendars (140 matters), the court issues the following abbreviated ruling.

The motion is granted in part and denied in part. The automatic stay is modified, retroactively to June 2, 2009, as against the estate and the debtor pursuant to 11 U.S.C. § 362(d)(1) and (d)(2) in order to permit movant to obtain possession of collateral, a 2007 Dodge Caliber (VIN 1B3HB48B87D527797) (the "Collateral") in accordance with applicable non-bankruptcy law. The 10-day period specified in Fed. R. Bankr. P. 4001(a)(3) is waived. Except as so ordered, the motion is denied.

The movant has not addressed any standard for annulment of or retroactive relief from the automatic stay. Simply alleging that the movant was unaware of the pendency of the bankruptcy case is ordinarily insufficient for either relief. However, no one has opposed this motion, and the failure to oppose may be deemed consent to the requested relief. See Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995).

The court will issue a minute order.

63. [09-25474](#)-B-7 SHOUA FANG HEARING - MOTION FOR
KAT #1 RELIEF FROM AUTOMATIC STAY
BANK OF AMERICA 7-8-09 [[11](#)]
NATIONAL ASSN., VS.

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

64. [09-26876](#)-B-7 CHARLES/ERIN WHALEN HEARING - MOTION FOR
HRH #1 RELIEF FROM AUTOMATIC STAY
COLONIAL PACIFIC 7-9-09 [[13](#)]
LEASING CORPORATION, VS.

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

65. [09-26779](#)-B-7 DIANE MCGUIRE HEARING - MOTION FOR
PD #1 RELIEF FROM AUTOMATIC STAY
BANK OF AMERICA, N.A., VS. 6-22-09 [[20](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the number of matters on this morning's three related calendars (140 matters), the court issues the following abbreviated ruling.

The motion is granted in part. The automatic stay is modified as against the estate and the debtors pursuant to 11 U.S.C. § 362(d)(1) and (d)(2) in order to permit the movant to foreclose on the real property located at 299 Arrowleaf Road, Portola, CA 96122 (APN 028-070-007) ("Property") and to obtain possession of the Property following the sale, all in accordance with applicable non-bankruptcy law. The court awards no fees and costs. The 10-day stay of Fed.R.Bankr.P. 4001(a)(3) is waived.

Except as so ordered, the motion is denied.

Movant alleges without dispute that debtor has failed to make fifteen (15) mortgage payments. Movant further alleges without dispute that there is no equity in the Property, and the Property is not necessary to an effective reorganization or rehabilitation in this chapter 7 case. The trustee filed a report of no distribution.

Because the movant 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.

66. [09-25081](#)-B-7 CLYDE/DEANNE COX
PD #1
AURORA LOAN SERVICES LLC, VS.

HEARING - MOTION FOR
RELIEF FROM AUTOMATIC STAY
6-30-09 [[16](#)]

DISCHARGED 7-13-09

Disposition Without Oral Argument: This motion is unopposed. Due to the number of matters on this morning's three related calendars (140 matters), the court issues the following abbreviated ruling.

The motion is granted in part and denied as moot in part. As to the debtors, the motion is denied as moot. The debtors received a discharge on July 13, 2009, and the automatic stay as to the debtors ended on that date. 11 U.S.C. § 362(c)(2)(C). As to the estate, the automatic stay is modified pursuant to 11 U.S.C. § 362(d)(1) and (d)(2) in order to permit the movant to foreclose on the real property located at 10170 East Lime Kiln Road, Grass Valley, CA 95948 (APN 56-470-24) ("Property") and to obtain possession of the Property following the sale, all in accordance with applicable non-bankruptcy law. The court awards no fees and costs. The 10-day period specified in Fed. R. Bankr. P. 4001(a)(3) is not waived. Except as so ordered, the motion is denied.

Movant alleges without dispute that debtors have failed to make four (4) mortgage payments. Movant further alleges without dispute that there is no equity in the Property, and the Property is not necessary to an effective reorganization or rehabilitation in this chapter 7 case. The trustee has filed a report of no distribution.

Because the movant 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.

67. [09-25284](#)-B-7 ALBERT/PHYLLIS DEPETRILLO HEARING - MOTION FOR
LAZ #1 RELIEF FROM AUTOMATIC STAY
MORTGAGE ELECTRONIC REGISTRATION 7-2-09 [[11](#)]
SYSTEMS, INC., VS.

DISCHARGED 7-8-09

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

68. [09-32184](#)-B-7 CHRISTINA FISCHER HEARING - MOTION FOR
RFM #1 RELIEF FROM AUTOMATIC STAY
U.S. BANK, VS. 7-10-09 [[11](#)]

Tentative Ruling: This is a properly filed motion under LBR 9014-1(f)(2). Opposition may be presented at the hearing. However, because debtor has filed a statement of intent to surrender the Collateral and because of the number of matters on this morning's three calendars (140 matters), the court issues the following tentative ruling.

The motion is granted in part. The automatic stay is modified as against the estate and the debtor pursuant to 11 U.S.C. § 362 (d)(1) and (d)(2) in order to permit the movant to obtain possession of its collateral, a 2006 Chevrolet Impala (VIN 2G1WB58K969420645) ("Collateral"), to dispose of it pursuant to applicable law, and to use the proceeds from its disposition to satisfy its claim including any attorneys' fees awarded herein. The 10-day period specified in Fed. R. Bankr. P. 4001(a)(3) is ordered waived. Except as so ordered, the motion is denied.

Movant alleges without dispute that debtor has failed to make three (3) payments. Also, movant alleges without dispute that there is no equity in the Collateral, and the Collateral is not necessary to an effective reorganization or rehabilitation in this chapter 7 case. The debtor filed a statement of intent to surrender the Collateral.

The court will issue a minute order.

69. [09-31385](#)-B-7 DONALD/JANINE KLADE HEARING - MOTION FOR
PD #1 RELIEF FROM AUTOMATIC STAY
AURORA LOAN SERVICES, LLC, VS. 6-22-09 [[8](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the number of matters on this morning's three related calendars (140 matters), the court issues the following abbreviated ruling.

The motion is granted in part. The automatic stay is modified as against the estate and the debtors pursuant to 11 U.S.C. § 362 (d)(1) and (d)(2) in order to permit the movant to foreclose on the real property located

at 915 Brandywine Drive, Lodi, CA 95240 (APN 060-053-03) ("Property") and to obtain possession of the Property following the sale, all in accordance with applicable non-bankruptcy law. The court awards no fees and costs. The 10-day stay of Fed.R.Bankr.P. 4001(a)(3) is not waived. Except as so ordered, the motion is denied.

Movant alleges without dispute that debtors have failed to make seven (7) mortgage payments. Movant further alleges without dispute that there is no equity in the Property, and the Property is not necessary to an effective reorganization or rehabilitation in this chapter 7 case. The trustee filed a report of no distribution.

Because the movant 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.

70. [09-28586](#)-B-7 DAVID/TRICIA MCDONALD HEARING - MOTION FOR
PD #1 RELIEF FROM AUTOMATIC STAY
BANK OF AMERICA, N.A., VS. 6-30-09 [[14](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the number of matters on this morning's three related calendars (140 matters), the court issues the following abbreviated ruling.

The motion is granted in part. The automatic stay is modified as against the estate and the debtors pursuant to 11 U.S.C. § 362 (d)(1) and (d)(2) in order to permit the movant to foreclose on the real property located at 370 El Dorado Avenue, Willows, CA 95988 (APN 001-071-036-0) ("Property") and to obtain possession of the Property following the sale, all in accordance with applicable non-bankruptcy law. The court awards fees and costs equal to the lesser of \$675 or the amount actually billed plus costs of \$150. The 10-day stay of Fed.R.Bankr.P. 4001(a)(3) is not waived. Except as so ordered, the motion is denied.

Movant alleges without dispute that debtors have failed to make seven (7) mortgage payments. Movant further alleges without dispute that there is no equity in the Property, and the Property is not necessary to an effective reorganization or rehabilitation in this chapter 7 case. The trustee filed a report of no distribution.

Because the value of the Property exceeds movant's claim, movant is awarded attorneys fees equal to the lesser of \$675 or the amount actually billed plus costs of \$150. These fees and costs may be enforced only against the Property.

The court will issue a minute order.

71. [09-26887](#)-B-7 WANG SILAPASAY
PD #1
DEUTSCHE BANK NATIONAL
TRUST COMPANY, ET AL., VS.

HEARING - MOTION FOR
RELIEF FROM AUTOMATIC STAY
6-30-09 [[20](#)]

Tentative Ruling: This is a properly filed motion under LBR 9014-1(f)(1). Because the debtor is in pro se and because of the size of this morning's three related calendars (140 matters), the court issues the following abbreviated tentative ruling.

The motion is granted in part. The automatic stay is modified as against the estate and the debtor pursuant to 11 U.S.C. § 362 (d)(1) and (d)(2) in order to permit the movant to foreclose on the real property located at 1558 Houghton Avenue, Corning, CA 96021 (APN 71-250-34) ("Property") and to obtain possession of the Property following the sale, all in accordance with applicable non-bankruptcy law. The court awards no fees and costs. The 10-day stay of Fed.R.Bankr.P. 4001(a)(3) is waived. Except as so ordered, the motion is denied.

Movant alleges without dispute that debtor has failed to make seven (7) mortgage payments. Movant further alleges without dispute that there is no equity in the Property, and the Property is not necessary to an effective reorganization or rehabilitation in this chapter 7 case. The debtor filed a statement of intent to surrender the Property. The trustee filed a report of no distribution.

Because the movant 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.

72. [09-32088](#)-B-7 PAULINE STONE
JHW #1
CHRYSLER FINANCIAL SERVICES
AMERICAS LLC, VS.

HEARING - MOTION FOR
RELIEF FROM AUTOMATIC STAY
6-27-09 [[7](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the number of matters on this morning's three related calendars (140 matters), the court issues the following abbreviated ruling.

The motion is granted in part. The automatic stay is modified as against the estate and the debtor pursuant to 11 U.S.C. § 362 (d)(1) and (d)(2) in order to permit the movant to obtain possession of its collateral, a 2007 Chrysler PT Cruiser (VIN 3A4FY48B37T624740) ("Collateral"), to dispose of it pursuant to applicable law, and to use the proceeds from its disposition to satisfy its claim including any attorneys' fees awarded herein. The 10-day period specified in Fed. R. Bankr. P. 4001(a)(3) is ordered waived. Except as so ordered, the motion is denied.

Movant alleges without dispute that debtor has failed to make three (3) payments. Also, movant alleges without dispute that there is no equity

in the Collateral, and the Collateral is not necessary to an effective reorganization or rehabilitation in this chapter 7 case. The debtor filed a statement of intent to surrender the Collateral.

The court will issue a minute order.

73. [09-21589](#)-B-7 MICHAEL/PAMELA PEARSON HEARING - MOTION FOR
PD #1 RELIEF FROM AUTOMATIC STAY
WELLS FARGO BANK, NA, VS. 6-18-09 [[40](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the number of matters on this morning's three related calendars (140 matters), the court issues the following abbreviated ruling.

The motion is granted in part. The automatic stay is modified as against the estate and the debtors pursuant to 11 U.S.C. § 362 (d) (1) and (d) (2) in order to permit the movant to foreclose on the real property located at 2221 Sombrero Court, Auburn, CA 95603 (APN 051-420-022) ("Property") and to obtain possession of the Property following the sale, all in accordance with applicable non-bankruptcy law. The court awards fees and costs equal to the lesser of \$675 or the amount actually billed plus costs of \$150. The 10-day stay of Fed.R.Bankr.P. 4001(a) (3) is not waived. Except as so ordered, the motion is denied.

Movant alleges without dispute that debtors have failed to make eight (8) mortgage payments. Movant further alleges without dispute that there is no equity in the Property, and the Property is not necessary to an effective reorganization or rehabilitation in this chapter 7 case. The trustee filed a report of no distribution.

Because the value of the Property exceeds movant's claim, movant is awarded attorneys fees equal to the lesser of \$675 or the amount actually billed plus costs of \$150. These fees and costs may be enforced only against the Property.

The court will issue a minute order.

74. [09-23892](#)-B-7 TIMOTHY SCHMIDT AND HEARING - MOTION FOR
SV #1 JANET RUSTICI RELIEF FROM AUTOMATIC STAY
FINANCIAL PACIFIC 7-7-09 [[43](#)]
LEASING, LLC, VS.

Disposition Without Oral Argument: Oral argument will not assist the court in resolving this matter.

The motion is denied without prejudice.

The motion suffers from the following procedural defects. Movant has filed its motion, notice of hearing, certificate of service, relief from stay information sheet, and support evidence as a single document (Dkt. 43). Accordingly, movant has failed to file either a compliant proof of service or a compliant notice of hearing with its motion in derogation of LBR 9014-1(e) and LBR 9014-1(d) (2), respectively.

The court will issue a minute order.

75. [09-25293](#)-B-7 SCOTT/TAMARA BRUNS HEARING - MOTION FOR
WGM #1 RELIEF FROM AUTOMATIC STAY
SUNTRUST MORTGAGE, INC., VS. ON REAL PROPERTY
7-2-09 [[18](#)]

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.

76. [09-26295](#)-B-7 TARA LEE HEARING - MOTION FOR
PD #1 RELIEF FROM AUTOMATIC STAY
BANK OF AMERICA, N.A., VS. 6-19-09 [[14](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the number of matters on this morning's three related calendars (140 matters), the court issues the following abbreviated ruling.

The motion is granted in part and denied as moot in part. As to the debtor, the motion is denied as moot. The debtor received a discharge on July 22, 2009, and the automatic stay as to the debtor ended on that date. 11 U.S.C. § 362(c)(2)(C). As to the estate, the automatic stay is modified pursuant to 11 U.S.C. § 362(d)(1) and (d)(2) in order to permit the movant to foreclose on the real property located at 3721 Independence Place, Rocklin, CA 95677 (APN 045-500-014) ("Property") and to obtain possession of the Property following the sale, all in accordance with applicable non-bankruptcy law. The court awards no fees and costs. The 10-day stay of Fed.R.Bankr.P. 4001(a)(3) is waived. Except as so ordered, the motion is denied.

Movant alleges without dispute that debtor has failed to make eight (8) mortgage payments. Movant further alleges without dispute that there is no equity in the Property, and the Property is not necessary to an effective reorganization or rehabilitation in this chapter 7 case. The debtors have filed a statement of intent to surrender the Property. The trustee filed a report of no distribution.

Because the movant 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.

77. [09-25698](#)-B-7 TAMARA STRATTON HEARING - MOTION FOR
PD #1 RELIEF FROM AUTOMATIC STAY
DEUTSCHE BANK NATIONAL 7-7-09 [[34](#)]
TRUST COMPANY, ET AL., VS.

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

78. [09-25898](#)-B-7 ALFONSO/JEANNIE RAMIREZ HEARING - MOTION FOR
MDE #1 RELIEF FROM AUTOMATIC STAY
CITIMORTGAGE, INC., VS. 6-29-09 [[17](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the number of matters on this morning's three related calendars (140 matters), the court issues the following abbreviated ruling.

The motion is granted in part and denied as moot in part. As to the debtors, the motion is denied as moot. The debtors received a discharge on July 22, 2009, and the automatic stay as to the debtors ended on that date. 11 U.S.C. § 362(c)(2)(C). As to the estate, the automatic stay is modified pursuant to 11 U.S.C. § 362(d)(1) and (d)(2) in order to permit the movant to foreclose on the real property located at 5369 Delta Drive, Rocklin, CA 95765 ("Property") and to obtain possession of the Property following the sale, all in accordance with applicable non-bankruptcy law. The court awards no fees and costs. The 10-day stay of Fed.R.Bankr.P. 4001(a)(3) is not waived. Except as so ordered, the motion is denied.

Movant alleges without dispute that debtors has failed to make five (5) mortgage payments. Movant further alleges without dispute that there is no equity in the Property, and the Property is not necessary to an effective reorganization or rehabilitation in this chapter 7 case. The debtors have filed a statement of intent to surrender the Property. The trustee filed a report of no distribution.

Because the movant 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.

79. [09-30899](#)-B-7 JOHNNIE/SILVERLENE DAVIS HEARING - MOTION FOR
KAT #1 RELIEF FROM AUTOMATIC STAY
DEUTSCHE BANK NATIONAL 7-8-09 [[11](#)]
TRUST COMPANY, VS.

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