

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Thomas C. Holman
Bankruptcy Judge
Sacramento, California

August 4, 2009 at 9:32 A.M.

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1. [08-33100](#)-B-13J GARY MANAOAT
JPJ #2
- HEARING - TRUSTEE'S
OBJECTION TO ALLOWANCE OF
CLAIM NO. 14 OF ECMC
6-8-09 [[48](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the size of this morning's three related calendars (203 matters), the court issues the following abbreviated ruling.

The trustee's objection is sustained, and claim No. 14, filed on May 13, 2009 by ECMC in the amount of \$23,462.31 (the "Claim"), is disallowed except to the extent previously paid by the trustee.

The Claim was not timely filed. The last date to file a non-government claim was January 14, 2009 and to file a government claim was March 16, 2009. The Claim was filed on May 13, 2009.

The court will issue a minute order.

2. [09-21800](#)-B-13J TERESA STANLEY
PGM #2
- HEARING - MOTION
TO CONFIRM DEBTOR'S
CORRECTED PLAN
6-16-09 [[27](#)]

Tentative Ruling: Due to the size of this morning's three related calendars (203 matters), the court issues the following abbreviated tentative ruling.

The attached motion to value Chase's collateral is denied as moot. The trustee's objection is overruled, and the plan filed May 14, 2009 will be confirmed.

The attached motion to value Chase's collateral is denied as moot because a prior and identical stand alone motion to value was granted by order entered on May 6, 2009.

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.

3. [09-21800](#)-B-13J TERESA STANLEY PGM #2 HEARING - TRUSTEE'S COUNTER MOTION TO CONDITIONALLY DISMISS CASE 7-20-09 [[35](#)]

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

The countermotion is denied.

The court will issue a minute order.

4. [09-28100](#)-B-13J CAROL JONES JT #1 HEARING - MOTION TO CONFIRM FIRST AMENDED CHAPTER 13 PLAN 6-24-09 [[21](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the number of matters on this morning's three related calendars (203 matters), the court issues the following abbreviated ruling.

The motion is granted, and the amended plan filed June 24, 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.

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

CONT. FROM 7-21-09

Tentative Ruling: Due to the number of matters on this morning's three related calendars (203 matters), the court issues the following abbreviated tentative ruling.

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. [08-33502](#)-B-13J CHRISTINE CORKER
SAC #4
- HEARING - MOTION FOR
RECONSIDERATION OF ORDER DENYING
CONFIRMATION OF FIRST AMENDED
PLAN OR IN THE ALTERNATIVE FOR
ADDITIONAL TIME TO FILE SECOND
AMENDED PLAN
7-8-09 [[104](#)]

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. [09-30802](#)-B-13J DAVE/LISA MOAK
JPJ #1
- HEARING - TRUSTEE'S
OBJECTION TO CONFIRMATION OF
THE CHAPTER 13 PLAN AND
CONDITIONAL MOTION TO
DISMISS CASE
7-8-09 [[28](#)]

Disposition Without Oral Argument: The objection is continued to August 18, 2009 at 9:32 a.m. to be heard with debtors' motion to value the collateral of Wachovia Mortgage and debtors' motion to value the collateral of Small Business Administration. Confirmation of the plan depends on the success of the motions to value.

The court will issue a minute order.

8. [07-26803](#)-B-13J ROBERT/CYNTHIA NOAKES
JKU #2
- HEARING - DEBTORS'
MOTION TO CONFIRM FIRST
MODIFIED PLAN
6-23-09 [[42](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the number of matters on this morning's three related calendars (203 matters), the court issues the following abbreviated ruling.

The motion is granted, and the modified plan filed June 23, 2009 is confirmed.

The court will issue a minute order.

9. [09-27204](#)-B-13J BRETT/JILL PETERSON
BSJ #1
- HEARING - DEBTORS'
MOTION TO VALUE REAL PROPERTY
HELD BY CHASE HOME FINANCE
6-17-09 [[23](#)]

Disposition Without Oral Argument: The motion is denied.

The motion is moot because the bankruptcy case was converted to one under chapter 7 on July 24, 2009.

The court will issue a minute order.

10. [09-27204](#)-B-13J BRETT/JILL PETERSON
BSJ #2
- HEARING - DEBTORS'
MOTION TO CONFIRM
CHAPTER 13 PLAN
6-17-09 [[20](#)]

Disposition Without Oral Argument: The motion is denied.

The motion is moot because the bankruptcy case was converted to one under chapter 7 on July 24, 2009.

The court will issue a minute order.

11. [09-27807](#)-B-13J MARC/MICHELLE BENEC
ADS #1
- HEARING - MOTION
TO VALUE COLLATERAL OF
FIRST TENNESSEE BANK
7-6-09 [[18](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the number of matters on this morning's three related calendars (203 matters), the court issues the following abbreviated ruling.

The motion to value collateral pursuant to Fed. R. Bankr. P. 3012 and 11 U.S.C. § 506(a), is granted. \$0.00 of creditor's claim secured by the second deed of trust on real property located at 331 Fieldstone Court, Vacaville, CA 95687 ("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 \$385,000.00 on the date of the petition. The Property is encumbered by a first deed of trust held by Provident Funding with a balance of approximately \$404,229.00. Thus, the value of the collateral available to First Tennessee Bank on its second deed of trust is \$0.00.

The court will issue a minute order.

12. [08-25709](#)-B-13J STEPHEN/LINDA HOSCHLER
JPJ #1
- HEARING - TRUSTEE'S
OBJECTION TO ALLOWANCE OF
CLAIM OF INDYMAC BANK
FEDERAL BANK
6-8-09 [[20](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the size of this morning's three related calendars (203 matters), the court issues the following abbreviated ruling.

The trustee's objection is sustained, and claim No. 11 filed on January 23, 2009 by Indymac Federal Bank in the amount of \$21,335.36 (the "Claim") is disallowed except to the extent previously paid by the trustee.

The Claim was not timely filed. The last date to file a non-government claim was September 3, 2008, and to file a government claim was October 28, 2008. The Claim was filed on January 23, 2009.

The court will issue a minute order.

13. [09-29609](#)-B-13J RICHARD/CATHERINE FORD HEARING - MOTION
RDS #1 TO VALUE COLLATERAL OF
LOBEL FINANCIAL
6-26-09 [[18](#)]

Tentative Ruling: Due to number of matters on this morning's three related calendars (203 matters), the court issues the following abbreviated tentative ruling.

Creditor Lobel Financial's opposition is sustained, and the motion is denied without prejudice.

Although the debtors' opinion of value is admissible as lay opinion evidence under Fed. R. Evid. 701, the opinion is not persuasive where it conflicts with Lobel Financial's commercial publication evidence admissible under Fed. R. Evid. 803(17) and where the debtors have provided no explanation of the basis for their opinion or the discrepancy it creates. The debtors' have therefore failed to carry their burden of proof regarding the "replacement value" of the vehicle. 11 U.S.C. § 506(a)(2).

The court will issue a minute order.

14. [09-22711](#)-B-13J APOLONIO/ERLINDA QUEJADO HEARING - DEBTORS'
WHB #1 MOTION FOR CONFIRMATION OF
FIRST MODIFIED CHAPTER 13 PLAN
6-12-09 [[39](#)]

Tentative Ruling: Due to the size of this morning's three related calendars (203 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.

15. [09-22711](#)-B-13J APOLONIO/ERLINDA QUEJADO WHB #1 HEARING - TRUSTEE'S COUNTER MOTION TO CONDITIONALLY DISMISS CASE 7-21-09 [[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 (203 matters), the court issues the following abbreviated tentative ruling.

The countermotion is conditionally denied, the conditions being that on or before August 18, 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.

16. [09-26511](#)-B-13J LILLIE MCQUERTER FF #1 HEARING - MOTION TO CONFIRM FIRST AMENDED CHAPTER 13 PLAN 6-16-09 [[29](#)]

Tentative Ruling: Due to the size of this morning's three related calendars (203 matters), the court issues the following abbreviated tentative ruling.

The attached motion to value Home Eq Servicing's collateral is denied. Creditor Wells Fargo Auto Finance's objection is sustained. The trustee's objections are sustained, and the motion to confirm the plan filed June 16, 2009 is denied.

The attached motion to value Home Eq Servicing's collateral is moot because an identical stand alone motion to value has been granted elsewhere on this calendar.

The court will issue a minute order.

17. [09-26511](#)-B-13J LILLIE MCQUERTER FF #1 HEARING - TRUSTEE'S COUNTER MOTION TO CONDITIONALLY DISMISS CASE 7-20-09 [[46](#)]

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

The countermotion is conditionally denied, the conditions being that on or before August 18, 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.

18. [09-26511](#)-B-13J LILLIE MCQUERTER
FF #2
- HEARING - MOTION TO
VALUE COLLATERAL (REAL ESTATE)
FOR LIEN OF HOMEQ SERVICING
6-16-09 [37]

Disposition Without Oral Argument: This motion is unopposed. Due to the number of matters on this morning's three related calendars (203 matters), the court issues the following abbreviated ruling.

The motion to value collateral pursuant to Fed. R. Bankr. P. 3012 and 11 U.S.C. § 506(a), is granted. \$0.00 of creditor's claim secured by the second deed of trust on real property located at 3442 Loggerhead Way, 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 \$258,000.00 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 \$342,854.00. Thus, the value of the collateral available to HomeQ Servicing on its second deed of trust is \$0.00.

The court will issue a minute order.

19. [08-37913](#)-B-13J JOE/ANGELA PEREIRA
JT #3
- HEARING - MOTION
TO CONFIRM CHAPTER 13 PLAN
6-24-09 [47]

Disposition Without Oral Argument: This motion is unopposed. Due to the number of matters on this morning's three related calendars (203 matters), the court issues the following abbreviated ruling.

The motion to value CitiMortgage's collateral attached to the plan is denied. The motion to confirm is granted, and the amended plan filed December 5, 2008 will be confirmed.

The attached motion to value CitiMortgage's collateral is moot because a motion to value CitiMortgage's collateral was already granted by order entered on March 12, 2009.

The court will issue a minute order granting the motion to confirm. Counsel for the debtors shall submit an order confirming the plan 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.

20. [09-26216](#)-B-13J SCOTT/JENNIFER BAILEY
BHS #1
- CONT. HEARING - OBJECTION
TO CONFIRMATION OF CHAPTER 13
PLAN BY ANDREW TANBERG
5-13-09 [[28](#)]

CONT. FROM 6-2-09

Disposition Without Oral Argument: The objection is overruled.

The objection is moot because the bankruptcy case was dismissed by order entered on July 24, 2009. (Dkt. 44).

The court will issue a minute order.

21. [09-26216](#)-B-13J SCOTT/JENNIFER BAILEY
PD #1
- HEARING - OBJECTION TO
CONFIRMATION OF PLAN BY
DEUTSCHE BANK TRUST COMPANY
AMERICAS
6-3-09 [[38](#)]

Disposition Without Oral Argument: The objection is overruled.

The objection is moot because the bankruptcy case was dismissed by order entered on July 24, 2009. (Dkt. 44).

The court will issue a minute order.

22. [09-30816](#)-B-13J MARIA GOMEZ
JPJ #1
- HEARING - TRUSTEE'S
OBJECTION TO CONFIRMATION OF
THE CHAPTER 13 PLAN AND
CONDITIONAL MOTION TO
DISMISS CASE
7-8-09 [[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 morning's three related calendars (203 matters), the court issues the following abbreviated tentative ruling.

The attached motion to value Wells Fargo Bank's collateral is granted. \$0.00 of creditor's claim secured by the second deed of trust on real property located at 5133 Alii Way, Sacramento, CA 95838 ("Property") is a secured claim, and the balance of its claim is an unsecured claim. The trustee's first objection is overruled because the debtor appeared at the continued meeting of creditors. The trustee's second objection is sustained. Confirmation of the plan filed May 28, 2009 is denied. The trustee's motion to dismiss is conditionally denied, the conditions being that on or before August 18, 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.

In the absence of opposition, for the purposes of the attached motion, the Property had a value of \$188,000.00 on the date of the petition. The Property is encumbered by a first deed of trust held by Wells Fargo Bank with a balance of approximately \$280,000.00. 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.

23. [09-30819](#)-B-13J CARRIE PETERSON
JPJ #1

HEARING - TRUSTEE'S
OBJECTION TO CONFIRMATION
OF PLAN AND CONDITIONAL
MOTION TO DISMISS CASE
7-8-09 [[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 morning's three related calendars (203 matters), the court issues the following abbreviated tentative ruling.

The attached motion to value Wells Fargo Bank's collateral is granted. \$0.00 of creditor's claim secured by the second deed of trust on real property located at 5133 Alii Way, Sacramento, CA 95838 ("Property") is a secured claim, and the balance of its claim is an unsecured claim. The trustee's objection is overruled.

In the absence of opposition, for the purposes of the attached motion, the Property had a value of \$188,000.00 on the date of the petition. The Property is encumbered by a first deed of trust held by Wells Fargo Bank with a balance of approximately \$280,000.00. Thus, the value of the collateral available to Wells Fargo Bank on its second deed of trust is \$0.00.

The trustee's objection is overruled because the debtor appeared at the continued meeting of creditors, which was concluded.

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

24. [08-29022](#)-B-13J SCOTT/HEATHER WEAVER
DRB #4

HEARING - DEBTOR'S
MOTION TO CONFIRM CHAPTER 13
THIRD AMENDED PLAN
6-17-09 [[61](#)]

Tentative Ruling: Due to the size of this morning's three related calendars (203 matters), the court issues the following abbreviated tentative ruling.

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

The trustee's countermotion to dismiss the case 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 countermotion.

The court will issue a minute order.

25. [08-39523](#)-B-13J LESLIE SMITH
SDB #2

HEARING - MOTION
TO MODIFY CHAPTER 13 PLAN
AFTER CONFIRMATION
6-16-09 [[41](#)]

Tentative Ruling: Due to the size of this morning's three related calendars (203 matters), the court issues the following abbreviated tentative ruling.

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

The court will issue a minute order.

26. [09-22724](#)-B-13J KEONI/LORNA KALUA
CAH #5

CONT. HEARING - DEBTORS'
MOTION TO VALUE COLLATERAL
OF GOLDEN ONE CREDIT
5-8-09 [[53](#)]

CONT. FROM 6-16-09

Disposition Without Oral Argument: This matter continued from June 16, 2009 to allow debtors to serve the motion, its supporting papers, and notice of the continued hearing on all parties in interest by as required by Fed. R. Bankr. P. 7004. Debtors complied and filed a certificate of service on June 23, 2009. (Dkt. 84). This motion is unopposed. Due to the number of matters on this morning's three related calendars (203 matters), the court issues the following abbreviated ruling.

The motion to value collateral pursuant to Fed. R. Bankr. P. 3012 and 11 U.S.C. § 506(a), is granted. \$4,185.00 of Golden One Credit Union's

claim secured by a 2000 Ford Expedition ("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 replacement value of \$4,185.00 on the date of the petition.

The court will issue a minute order.

27. [09-22724](#)-B-13J KEONI/LORNA KALUA HEARING - MOTION
CAH #7 TO CONFIRM SECOND AMENDED
CHAPTER 13 PLAN
6-23-09 [[80](#)]

Disposition Without Oral Argument: The motion is continued to September 15, 2009 at 9:32 a.m. to be heard after debtors' objection to the claim of Chase Home Finance, LLC (D.C. No. CAH-8). Confirmation of the plan depends in part on the success of the objection to claim.

The court will issue a minute order.

28. [09-22724](#)-B-13J KEONI/LORNA KALUA HEARING - TRUSTEE'S
CAH #7 COUNTER MOTION TO
CONDITIONALLY DISMISS CASE
7-21-09 [[92](#)]

Disposition Without Oral Argument: The objection is continued to September 15, 2009 at 9:32 a.m. to be heard after debtors' objection to the claim of Chase Home Finance, LLC (D.C. No. CAH-8). Confirmation of the plan depends in part on the success of the objection to claim.

The court will issue a minute order.

29. [09-22724](#)-B-13J LORNA/KEONI KALUA HEARING - MOTION TO
CAH #8 OBJECT TO THE PROOF OF CLAIM
OF CHASE HOME FINANCE, LLC
6-23-09 [[76](#)]

Tentative Ruling: Due to the number of matters on this morning's three related calendars (203 matters), the court issues the following abbreviated tentative ruling. Any party may at the hearing request a more explanatory Disposition After Oral Argument.

This matter is continued to a final evidentiary hearing on September 8, 2009 at 2:00 p.m. before the Honorable David E. Russell in courtroom 32 to determine the amount of Chase Manhattan Mortgage's claim as of February 18, 2009, the petition date.

On or before September 1, 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 September 1, 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 Chase Home Finance, LLC (D.C. No. CAH-8)." 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 debtors enumerating their exhibits "A, B, C..."

The court will issue a minute order.

30. [09-30624](#)-B-13J DERREL WHITE
JPJ #1

HEARING - TRUSTEE'S
OBJECTION TO CONFIRMATION
OF CHAPTER 13 PLAN
AND CONDITIONAL MOTION
TO DISMISS CASE
7-8-09 [[20](#)]

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

The attached motion to value the collateral of SunTrust Mortgage is denied without prejudice. The attached motion to value the collateral of Bank of America is denied without prejudice. The attached motion to value the collateral of the Internal Revenue Service is denied without prejudice. The trustee's objection is overruled. Confirmation of the plan filed May 27, 2009 is denied. The trustee's motion to dismiss is conditionally denied, the conditions being that on or before August 18, 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 attached motions to value are denied because none of them specifies the name of the creditor whose collateral is to be valued. In addition, as to the motion to value the collateral of the Internal Revenue Service, the creditor was not served in accordance with Fed. R. Bankr. P. 7004.

Confirmation of the plan is denied because the attached motions to value collateral are denied without prejudice and because the plan fails to provide for the priority claim of the Internal Revenue Service in the amount of \$500.00.

The court will issue a minute order.

31. [09-26625](#)-B-13J JUSTINE FOUT
SDB #4

HEARING - DEBTOR'S
MOTION FOR ORDER VALUING
COLLATERAL OF AMERICAN
GENERAL FINANCE
7-6-09 [[29](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the number of matters on this morning's three related calendars (203 matters), the court issues the following abbreviated ruling.

The motion to value collateral pursuant to Fed. R. Bankr. P. 3012 and 11 U.S.C. § 506(a), is granted. \$0.00 of creditor's claim secured by the second deed of trust on real property located at 2618 Carnation Drive, Fairfield, CA 94533 ("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 \$247,500.00 on the date of the petition. The Property is encumbered by a first deed of trust held by Midwest/ Solano First Federal Credit Union with a balance of approximately \$324,478.00. Thus, the value of the collateral available to American General Finance on its second deed of trust is \$0.00.

The court will issue a minute order.

32. [09-27225](#)-B-13J JEFFREY/EILEEN SIVLEY
JME #2

HEARING - MOTION
TO CONFIRM FIRST AMENDED PLAN
7-7-09 [[43](#)]

Tentative Ruling: Due to the size of this morning's three related calendars (203 matters), the court issues the following abbreviated tentative ruling.

The attached motion to value Bank of America's collateral is denied without prejudice. The attached motion to value Countrywide Home Loans' collateral is denied without prejudice. The objection filed by creditor Yuba-Sutter Economic Development Corporation is sustained. The objections filed by the trustee are sustained. The motion to confirm the plan filed July 7, 2009 is denied.

Attached motions to value are not permitted where, as here, debtors are proceeding to confirmation under ¶ 8 of G.O. 05-03.

The motion is procedurally defective because it was filed and served only twenty-eight days before the hearing, in derogation of ¶ 8(a) of G.O. 05-03, which requires service at least thirty-nine calendar days prior to the hearing.

The court will issue a minute order.

33. [09-27225](#)-B-13J JEFFREY/EILEEN SIVLEY
JME #2

HEARING - TRUSTEE'S
COUNTER MOTION TO
CONDITIONALLY DISMISS CASE
7-21-09 [[55](#)]

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

The countermotion is conditionally denied, the conditions being that on or before August 18, 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.

34. [09-25126](#)-B-13J JEFFREY/JOYCE MURAO
CFH #4

HEARING - MOTION TO
VALUE COLLATERAL SECURED
BY THE CLAIM OF COUNTRYWIDE
HOME LOANS
6-24-09 [[63](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the number of matters on this morning's three related calendars (203 matters), the court issues the following abbreviated ruling.

The motion to value collateral pursuant to Fed. R. Bankr. P. 3012 and 11 U.S.C. § 506(a), is granted. \$0.00 of creditor's claim secured by the second deed of trust on real property located at 1038 Cloverbrook Circle, Vacaville, CA 95687 ("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 \$241,000.00 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 \$380,000.00. 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.

35. [09-25126](#)-B-13J JEFFREY/JOYCE MURAO
CFH #5

HEARING - MOTION
TO VALUE COLLATERAL SECURED BY
THE CLAIM OF RETAIL SERVICES
6-24-09 [[59](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the number of matters on this morning's three related calendars (203 matters), the court issues the following abbreviated ruling.

The motion to value collateral pursuant to Fed. R. Bankr. P. 3012 and 11 U.S.C. § 506(a), is granted. \$1,000.00 of Retail Services' claim secured by a living room sofa, two tables, a loveseat, and a chair (collectively "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 replacement value of \$1,000.00 on the date of the petition.

The court will issue a minute order.

36. [09-27326](#)-B-13J BRENDA IRWIN HEARING - DEBTOR'S
BSJ #1 MOTION TO VALUE 2006
FORD MUSTANG
6-19-09 [[22](#)]

Disposition Without Oral Argument: This matter was withdrawn by the moving party on July 31, 2009 and is removed from the calendar.

37. [09-27326](#)-B-13J BRENDA IRWIN HEARING - TRUSTEE'S
BSJ #1 COUNTER MOTION TO
CONDITIONALLY DISMISS CASE
7-21-09 [[47](#)]

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

The countermotion is denied.

The countermotion is moot. On July 31, 2009, the debtor filed an amended plan and motion to confirm and a withdrawal of the instant motion to confirm (D.C. No. BSJ-004). The filing of the amended plan constitute a withdrawal of the plan to which the trustee's countermotion is directed.

The court will issue a minute order.

38. [09-27326](#)-B-13J BRENDA IRWIN HEARING - DEBTOR'S
BSJ #2 MOTION TO VALUE 2004
TOYOTA SIENNA
6-19-09 [[26](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the number of matters on this morning's three related calendars (203 matters), the court issues the following abbreviated ruling.

The motion to value collateral pursuant to Fed. R. Bankr. P. 3012 and 11 U.S.C. § 506(a), is granted. \$10,035.00 of Toyota Motor Credit Corporation's claim secured by a 2004 Toyota Sienna ("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 replacement value of \$10,035.00 on the date of the petition.

The court will issue a minute order.

39. [09-27326](#)-B-13J BRENDA IRWIN
BSJ #3
- HEARING - DEBTOR'S
MOTION TO VALUE REAL PROPERTY
LOCATED AT 8315 NORTHVALE WAY,
CITRUST HEIGHTS, CA 95610
6-19-09 [[30](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the number of matters on this morning's three related calendars (203 matters), the court issues the following abbreviated ruling.

The motion to value collateral pursuant to Fed. R. Bankr. P. 3012 and 11 U.S.C. § 506(a), is granted. \$0.00 of creditor's claim secured by the second deed of trust on real property located at 8315 Northvale Way, Citrus Heights, 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 \$329,000.00 on the date of the petition. The Property is encumbered by a first deed of trust held by Litton Loan Servicing with a balance of approximately \$420,157.17. Thus, the value of the collateral available to CIT Group Sales Financing on its second deed of trust is \$0.00.

The court will issue a minute order.

40. [09-27326](#)-B-13J BRENDA IRWIN
BSJ #4
- HEARING - MOTION
TO CONFIRM DEBTOR'S
CHAPTER 13 PLAN
6-19-09 [[34](#)]

Disposition Without Oral Argument: This matter was withdrawn by the moving party on July 31, 2009 and is removed from the calendar.

41. [09-29626](#)-B-13J RUSSELL/JULIE BRILL
EJS #1
- HEARING - MOTION TO
DETERMINE VALUE OF COLLATERAL
HELD BY CITIMORTGAGE
7-1-09 [[16](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the number of matters on this morning's three related calendars (203 matters), the court issues the following abbreviated ruling.

The motion to value collateral pursuant to Fed. R. Bankr. P. 3012 and 11 U.S.C. § 506(a), is granted. \$0.00 of creditor's claim secured by the second deed of trust on real property located at 4437 Livingston Way, 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 \$134,052.00 on the date of the petition. The Property is encumbered by a first deed of trust held by Citimortgage with a balance of approximately \$134,052.00. Thus, the value of the collateral available to Citimortgage on its second deed of trust is \$0.00.

The court will issue a minute order.

42. [09-31126](#)-B-13J NAJJIYYA ARNOLD
JPJ #1

HEARING - TRUSTEE'S
OBJECTION TO CONFIRMATION
OF CHAPTER 13 PLAN AND
CONDITIONAL MOTION
TO DISMISS CASE
7-8-09 [[15](#)]

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

The objection is overruled.

The objection is moot. On July 21, 2009, the debtor filed an amended plan and motion to confirm. The filing of the amended plan and motion to confirm constitutes a withdrawal of the plan to which the trustee's objection is directed.

The court will issue a minute order.

43. [08-31327](#)-B-13J JERRY/KATHRYN KUSHNER
PGM #2

HEARING - OBJECTION
TO THE CLAIM NO. 8 OF
WELLS FARGO BANK, N.A.
6-15-09 [[40](#)]

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

The objection to claim no. 8 on the court's claims register, filed by Wells Fargo Bank, N.A., ("Claim") is sustained in part. The Claim is allowed as a secured claim in the amount of \$415,343.66, with an arrearage of \$0.00. Except as so allowed, the Claim is disallowed.

Debtors allege without dispute that the amount of \$250.00 of "prior bankruptcy fees and costs" are inappropriately included in the arrearage portion of the Claim.

The court will issue a minute order.

44. [09-30427](#)-B-13J KEITH PACE
JPJ #1

HEARING - TRUSTEE'S
OBJECTION TO CHAPTER 13
PLAN AND CONDITIONAL
MOTION TO DISMISS CASE
7-8-09 [[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 morning's three related calendars (203 matters), the court issues the following abbreviated tentative ruling.

The attached motion to value the collateral of Wells Fargo Bank is deemed withdrawn. The trustee's first objection is sustained. The trustee's second objection is overruled. Confirmation of the plan filed May 22, 2009 is denied. The trustee's motion to dismiss is conditionally denied, the conditions being that on or before August 18, 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 attached motion to value the collateral of Wells Fargo Bank is deemed withdrawn because debtor filed an identical stand alone motion to value on July 19, 2009.

The court will issue a minute order.

45. [09-27130](#)-B-13J RALPH/BARBARA BENNETT
JT #2

HEARING - OBJECTION
TO CLAIM OF JPMORGAN
CHASE BANK, N.A.
6-17-09 [[32](#)]

Tentative Ruling: Due to the number of matters on this morning's three related calendars (203 matters), the court issues the following abbreviated tentative ruling.

This matter is continued to a final evidentiary hearing on September 8, 2009 at 2:00 p.m. before the Honorable David E. Russell in courtroom 32 to determine the amount of JPMorgan Chase Bank's claim as of April 15, 2009, the petition date.

On or before September 1, 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 September 1, 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 Claim of JPMorgan Chase Bank (D.C. No. JT-2)." 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 debtors

enumerating their exhibits "A, B, C...."

The court will issue a minute order.

46. [09-30032](#)-B-13J FERNANDO CUEN
FRC #1

HEARING - MOTION TO
CONFIRM AMENDED CHAPTER 13 PLAN
7-1-09 [[22](#)]

Tentative Ruling: Due to the size of this morning's three related calendars (203 matters), the court issues the following abbreviated tentative ruling.

The attached motion to value the collateral of EMC Mortgage is denied without prejudice. The attached motion to value the collateral of Heritage Community Credit Union is denied. The trustee's objections are sustained. Creditor Heritage Community Credit Union's objections (Dkt. 27) are sustained. The motion to confirm the plan filed July 1, 2009 is denied.

Attached motions to value are not permitted where, as here, debtors are proceeding to confirmation under ¶ 8 of G.O. 05-03.

The court will issue a minute order.

47. [09-30032](#)-B-13J FERNANDO CUEN
JDC #1

HEARING - OBJECTION
TO CONFIRMATION OF PROPOSED
CHAPTER 13 PLAN BY HERITAGE
COMMUNITY CREDIT UNION
7-6-09 [[27](#)]

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

The objection is overruled.

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 debtor is proceeding to confirmation in this case.

In this instance, the court will consider the merits of the creditor's objection as opposition to the debtor's motion to confirm, and will address them in its resolution of the motion to confirm elsewhere on this calendar.

The court will issue a minute order.

48. [09-30032](#)-B-13J FERNANDO CUEN
FRC #1

HEARING - TRUSTEE'S
COUNTER MOTION TO
CONDITIONALLY DISMISS CASE
7-20-09 [[39](#)]

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

The countermotion is conditionally denied, the conditions being that on or before August 18, 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.

49. [09-30032](#)-B-13J FERNANDO CUEN
JDC #2

HEARING - OBJECTION
TO DEBTOR'S MOTION TO VALUE
COLLATERAL OF HERITAGE
COMMUNITY CREDIT UNION
7-6-09 [[32](#)]

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

The objection is overruled.

The procedure for filing a stand-alone objection to confirmation/objection to an attached motion to value is unavailable to the creditor under ¶ 8(a) of G.O. 05-03, the procedure by which debtor is proceeding to confirmation in this case.

In this instance, the court will consider the merits of the creditor's objection as opposition to the debtor's motion to confirm, and will address them in its resolution of the motion to confirm elsewhere on this calendar.

The court will issue a minute order.

50. [09-24733](#)-B-13J LAWRENCE PAYNE
JME #4

HEARING - MOTION TO
CONFIRM FIRST AMENDED
CHAPTER 13 PLAN
6-27-09 [[45](#)]

Disposition Without Oral Argument: The motion is denied.

The motion is moot. The bankruptcy case was converted to one under chapter 7 by order signed on August 3, 2009.

The court will issue a minute order.

51. [09-24733](#)-B-13J LAWRENCE PAYNE HEARING - TRUSTEE'S
JME #4 COUNTER MOTION TO
CONDITIONALLY DISMISS CASE
7-20-09 [[57](#)]

Disposition Without Oral Argument: The countermotion is denied.

The countermotion is moot because the bankruptcy case was converted to one under chapter 7 by order signed on August 3, 2009.

The court will issue a minute order.

52. [09-28833](#)-B-13J MELISSA/DANIEL IVANUSICH HEARING - MOTION
CAH #1 TO CONFIRM 1ST AMENDED
CHAPTER 13 PLAN
6-15-09 [[21](#)]

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

The motion is denied.

The motion is moot. On July 31, 2009, the debtors filed a second amended plan and a motion to confirm. The filing of the second amended plan and motion to confirm constitute a withdrawal of the instant plan and motion.

The court will issue a minute order.

53. [09-28833](#)-B-13J MELISSA/DANIEL IVANUSICH HEARING - OBJECTION
CAH #1 TO CONFIRMATION OF DEBTOR'S
CHAPTER 13 PLAN BY BENEFICIAL
CALIFORNIA INC.
7-21-09 [[39](#)]

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

The objection is overruled.

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.

In this instance, the court will consider the merits of the creditor's objection as opposition to the debtors' motion to confirm, and will address them in its resolution of the motion to confirm elsewhere on this calendar.

The court will issue a minute order.

54. [09-31233](#)-B-13J STEVEN/TAMARA DAVIS
JPJ #1

HEARING - TRUSTEE'S
OBJECTION TO CONFIRMATION OF
THE CHAPTER 13 PLAN AND
CONDITIONAL MOTION TO
DISMISS CASE
7-15-09 [[19](#)]

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

The attached motion to value the collateral of Chase Home Loan Servicing is deemed withdrawn. The trustee's objections are sustained. Confirmation of the plan filed June 3, 2009 is denied. The trustee's motion to dismiss is conditionally denied, the conditions being that on or before August 18, 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 the collateral of Chase Home Loan Servicing is deemed withdrawn because a subsequent and identical stand alone motion to value was filed, which motion was granted by order entered on July 9, 2009.

The court will issue a minute order.

55. [08-31635](#)-B-13J RICHARD SANDERS
JPJ #2

HEARING - TRUSTEE'S
OBJECTION TO ALLOWANCE OF
CLAIM NO. 8 OF CHASE HOME
FINANCE LLC
6-8-09 [[58](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the size of this morning's three related calendars (203 matters), the court issues the following abbreviated ruling.

The trustee's objection is sustained, and claim No. 8 filed on January 26, 2009 by Chase Home Finance, LLC in the amount of \$179,609.05 (the "Claim") is disallowed except to the extent previously paid by the trustee.

The Claim was not timely filed. The last date to file a non-government claim was December 24, 2008, and to file a government claim was February 17, 2009. The Claim was filed on January 26, 2009.

The court will issue a minute order.

56. [08-32735](#)-B-13J SHERRON DAVIS
JPJ #1

HEARING - TRUSTEE'S
OBJECTION TO ALLOWANCE OF
CLAIM NO. 13 OF DEPT.
STORES NATIONAL BANK
6-8-09 [[21](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the size of this morning's three related calendars (203 matters), the court issues the following abbreviated ruling.

The trustee's objection is sustained, and claim No. 13 filed on February 6, 2009 by Department Stores National Bank, c/o Tsys Deb Mgmt., Inc., in the amount of \$508.91 (the "Claim") is disallowed except to the extent previously paid by the trustee.

The Claim was not timely filed. The last date to file a non-government claim was January 14, 2009, and to file a government claim was March 9, 2009. The Claim was filed on February 6, 2009.

The court will issue a minute order.

57. [08-33136](#)-B-13J ROBERT/SANDRA HAMILTON
JPJ #2

HEARING - TRUSTEE'S
OBJECTION TO ALLOWANCE OF
CLAIM NO. 21 OF CHASE
HOME EQUITY
6-8-09 [[62](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the size of this morning's three related calendars (203 matters), the court issues the following abbreviated ruling.

The trustee's objection is sustained, and claim No. 21 filed on March 11, 2009 by Chase Home Equity, in the amount of \$32,662.17 (the "Claim") is disallowed except to the extent previously paid by the trustee.

The Claim was not timely filed. The last date to file a non-government claim was January 21, 2009, and to file a government claim was March 16, 2009. The Claim was filed on March 11, 2009.

The court will issue a minute order.

58. [09-24237](#)-B-13J PHUC GI
PGM #2

HEARING - MOTION
TO CONFIRM DEBTOR'S
FIRST AMENDED PLAN
6-25-09 [[27](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the number of matters on this morning's three related calendars (203 matters), the court issues the following abbreviated ruling.

The motion is granted, and the amended plan filed June 25, 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.

59. [09-25737](#)-B-13J ROLAND/RHONDA COOPER
LLT #2

HEARING - MOTION
TO CONFIRM FIRST AMENDED
CHAPTER 13 PLAN
6-15-09 [[26](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the number of matters on this morning's three related calendars (203 matters), the court issues the following abbreviated ruling.

The attached motion to value Wells Fargo's collateral is deemed withdrawn. The motion to confirm is granted, and the amended plan filed July 16, 2009 will be confirmed.

The attached motion to value Wells Fargo's collateral is deemed withdrawn because a subsequent and identical stand alone motion to value has been filed, which is resolved elsewhere on this calendar.

The court will issue a minute order granting the motion to confirm. 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.

60. [09-25737](#)-B-13J ROLAND/RHONDA COOPER
LLT #3

HEARING - MOTION
TO VALUE COLLATERAL HELD
BY WELLS FARGO
6-15-09 [[29](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the number of matters on this morning's three related calendars (203 matters), the court issues the following abbreviated ruling.

The motion to value collateral pursuant to Fed. R. Bankr. P. 3012 and 11 U.S.C. § 506(a), is granted. \$0.00 of creditor's claim secured by the second deed of trust on real property located at 3821 Lausen Drive, Sacramento, CA 95821 ("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 \$165,000.00 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 \$231,165.00. 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. [09-29837](#)-B-13J CARL NELSON
CC #2

HEARING - MOTION
TO CONFIRM DEBTOR'S
CHAPTER 13 PLAN
6-16-09 [[19](#)]

Disposition Without Oral Argument: This matter was withdrawn by the moving party on July 28, 2009 and is removed from the calendar.

62. [08-32738](#)-B-13J OSCAR/TERESA HERNANDEZ
JPJ #1

HEARING - TRUSTEE'S
OBJECTION TO ALLOWANCE OF
CLAIM NO. 16 OF DEPT. STORES
NATIONAL BANK
6-8-09 [[28](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the size of this morning's three related calendars (203 matters), the court issues the following abbreviated ruling.

The trustee's objection is sustained, and claim no. 16 filed on February 6, 2009 by Department Stores National Bank, c/o Tsys Debt Mgmt, Inc., in the amount of \$965.63 (the "Claim") is disallowed except to the extent previously paid by the trustee.

The Claim was not timely filed. The last date to file a non-government claim was January 14, 2009, and to file a government claim was March 9, 2009. The Claim was filed on February 6, 2009.

The court will issue a minute order.

63. [08-32938](#)-B-13J MARIO/FLORDELIZA LOYOLA
JPJ #2

HEARING - TRUSTEE'S
OBJECTION TO ALLOWANCE OF
CLAIM NO. 9 OF THE GOLDEN
ONE CREDIT UNION
6-8-09 [[71](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the size of this morning's three related calendars (203 matters), the court issues the following abbreviated ruling.

The trustee's objection is sustained, and claim no. 9 filed on March 9, 2009 by The Golden One Credit Union, in the amount of \$12,892.03 (the "Claim") is disallowed except to the extent previously paid by the trustee.

The Claim was not timely filed. The last date to file a non-government claim was January 14, 2009, and to file a government claim was March 10, 2009. The Claim was filed on March 9, 2009.

The court will issue a minute order.

64. [08-32938](#)-B-13J MARIO/FLORDELIZA LOYOLA
JPJ #3

HEARING - TRUSTEE'S
OBJECTION TO ALLOWANCE OF
CLAIM NO. 10 OF THE GOLDEN
ONE CREDIT UNION
6-8-09 [[67](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the size of this morning's three related calendars (203 matters), the court issues the following abbreviated ruling.

The trustee's objection is sustained, and claim no. 10 filed on March 9, 2009 by The Golden One Credit Union, in the amount of \$10,793.63 (the "Claim") is disallowed except to the extent previously paid by the trustee.

The Claim was not timely filed. The last date to file a non-government claim was January 14, 2009, and to file a government claim was March 10, 2009. The Claim was filed on March 9, 2009.

The court will issue a minute order.

65. [09-32039](#)-B-13J EDWARD/KRISTY GRIFFITH
JT #2

HEARING - MOTION TO
VALUE COLLATERAL OF WELLS
FARGO FINANCIAL
6-24-09 [[12](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the number of matters on this morning's three related calendars (203 matters), the court issues the following abbreviated ruling.

The motion to value collateral pursuant to Fed. R. Bankr. P. 3012 and 11 U.S.C. § 506(a), is granted. \$0.00 of creditor'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 Washington Mutual with a balance of approximately \$198,137.00. 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.

66. [08-33140](#)-B-13J CHARLES/MICHELLE CROWELL HEARING - MOTION
CYB #3 FOR CONFIRMATION OF DEBTORS'
FIRST AMENDED CHAPTER 13 PLAN
6-22-09 [[59](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the number of matters on this morning's three related calendars (203 matters), the court issues the following abbreviated ruling.

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

67. [09-32942](#)-B-13J DANIEL/JACQUELINE SANCHEZ HEARING - MOTION TO
JT #1 VALUE COLLATERAL OF
CITIMORTGAGE, INC.
6-29-09 [[8](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the number of matters on this morning's three related calendars (203 matters), the court issues the following abbreviated ruling.

The motion to value collateral pursuant to Fed. R. Bankr. P. 3012 and 11 U.S.C. § 506(a), is granted. \$0.00 of creditor's claim secured by the second deed of trust on real property located at 306 W. Woodhaven Drive, Colusa, CA 95932 ("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 \$306,000.00 on the date of the petition. The Property is encumbered by a first deed of trust held by U.S. Bank with a balance of approximately \$372,806.00. Thus, the value of the collateral available to Citimortgage on its second deed of trust is \$0.00.

The court will issue a minute order.

68. [09-26243](#)-B-13J RHUEA PETERSOHN HEARING - MOTION TO
RKN #1 CONFIRM FIRST AMENDED PLAN
6-13-09 [[23](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the number of matters on this morning's three related calendars (203 matters), the court issues the following abbreviated ruling.

The motion is granted, and the amended plan filed June 13, 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.

69. [08-31148](#)-B-13J BRIAN/REINELDA WILKERSON CONT. HEARING - MOTION
SL #2 TO CONFIRM SECOND AMENDED
CHAPTER 13 PLAN
4-6-09 [[73](#)]

CONT. FROM 6-2-09

Tentative Ruling: This matter continued from June 2, 2009. The court ordered both parties to submit supplemental evidence on or before July 28, 2009. On July 21, 2009, creditor Sacramento Credit Union ("SCU") filed a supplemental opposition. (Dkt. 114). On July 28, 2009, debtor filed a support document (Dkt. 116) and exhibits (Dkt. 117). Due to the number of matters on this morning's three related calendars (203 matters), the court issues the following abbreviated tentative ruling. Any party may at the hearing request a more explanatory Disposition After Oral Argument.

The trustee's objection is sustained. SCU's objection that debtors have not applied all disposable income to the plan (11 U.S.C. § 1325(b)(1)(B)) is sustained. SCU's objections that the plan and petition were not filed in good faith (11 U.S.C. §§ 1325(a)(3) and (a)(7)) are overruled without prejudice. The motion to confirm the plan filed April 6, 2009 is denied.

SCU's objections that the plan and petition were not filed in good faith are overruled without prejudice because creditor has neither addressed the relevant totality of the circumstances test nor evaluated the factors that must be assessed under that test.

The court will issue a minute order.

70. [08-31148](#)-B-13J BRIAN/REINELDA WILKERSON CONT. HEARING - TRUSTEE'S
SL #2 COUNTER MOTION TO
CONDITIONALLY DISMISS CASE
5-19-09 [[98](#)]

CONT. FROM 6-2-09

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

The countermotion is conditionally denied, the conditions being that on or before August 18, 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.

71. [09-26748](#)-B-13J EDGARDO/ROSARIO SUAZO PGM #3 HEARING - MOTION TO VALUE COLLATERAL OF HERITAGE COMMUNITY CREDIT UNION 7-6-09 [[52](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the number of matters on this morning's three related calendars (203 matters), the court issues the following abbreviated ruling.

The motion to value collateral pursuant to Fed. R. Bankr. P. 3012 and 11 U.S.C. § 506(a), is granted. \$20,000.00 of Heritage Community Credit Union's claim secured by a 2003 Toyota Land Cruiser ("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 replacement value of \$20,000.00 on the date of the petition.

The court will issue a minute order.

72. [09-27748](#)-B-13J GERALD/DESIREE VANCE KB #2 HEARING - MOTION TO CONFIRM FIRST AMENDED PLAN 6-22-09 [[34](#)]

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

The motion is denied.

The motion is moot. On July 22, 2009, the debtors filed a second amended plan and motion to confirm. The filing of the second amended plan and motion to confirm constitute a withdrawal of the instant plan and motion.

The court will issue a minute order.

73. [09-27748](#)-B-13J GERALD/DESIREE VANCE KB #2 HEARING - TRUSTEE'S COUNTER MOTION TO CONDITIONALLY DISMISS CASE 7-20-09 [[43](#)]

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

The countermotion is denied.

The countermotion is moot. On July 22, 2009, the debtors filed a second amended plan and motion to confirm. The filing of the second amended plan and motion to confirm constitute a withdrawal of the plan and motion to which the countermotion are directed.

The court will issue a minute order.

74. [09-31048](#)-B-13J JASON GRIEST
DNL #1

HEARING - MOTION
TO CONFIRM CHAPTER 13 PLAN
6-10-09 [[9](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the number of matters on this morning's three related calendars (203 matters), the court issues the following abbreviated ruling.

The motion is granted, and the amended plan filed June 19, 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.

75. [09-31148](#)-B-13J ELMER/SHERRIE FILBERT
SW #1

HEARING - OBJECTION
TO CONFIRMATION OF PLAN AND
COLLATERAL VALUTION MOTION
BY WACHOVIA DEALER SERVICES
7-9-09 [[15](#)]

Tentative Ruling: The objection filed by creditor Wachovia Dealer Services, Inc. ("WDS") 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 (203 matters), the court issues the following abbreviated tentative ruling.

The attached motion to value the collateral of Countrywide Home Lending is deemed withdrawn. The attached motion to value the collateral of HBC is deemed withdrawn. The attached motion to value the collateral of WDS is denied without prejudice. WDS' objection is sustained. Confirmation of the plan filed June 1, 2009 is denied. WDS' request for attorney's fees is denied.

The first two attached motions to value are deemed withdrawn because debtors filed a subsequent and identical stand alone motion to value for each on July 19, 2009. The third attached motion to value is denied without prejudice because 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.

Because WDS 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.

76. [08-38349](#)-B-13J AARON/PHOEBE DUPZYK
JB #3
- HEARING - DEBTOR'S MOTION
FOR CONFIRMATION OF FIRST
AMENDED CHAPTER 13 PLAN
6-1-09 [[56](#)]

Disposition Without Oral Argument: The motion is continued to September 1, 2009 at 9:32 a.m. to be heard with debtors' motion to value the collateral of Bank of America (D.C. No. JB-4). Confirmation of the plan depends on the success of the motion to value.

The court will issue a minute order.

77. [08-38349](#)-B-13J AARON/PHOEBE DUPZYK
JB #4
- HEARING - MOTION
TO VALUE COLLATERAL OF
BANK OF AMERICA
6-1-09 [[60](#)]

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

The objection is continued to September 1, 2009 at 9:32 a.m. because debtors failed to serve Bank of America in accordance with Fed. R. Bankr. P. 7004(b). On or before August 4, 2009, the date of this hearing, debtors shall serve the motion, any supporting documents to the motion, and notice of the continued hearing on Bank of America in accordance with Fed. R. Bankr. P. 7004(b). Debtors 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 debtors fail to do any of the foregoing, the motion will be denied for lack of proper service.

The court will issue a minute order.

78. [09-25549](#)-B-13J HENRY/MARIA COOK
WSS #1
- HEARING - MOTION FOR
CONFIRMATION OF PLAN
6-16-09 [[23](#)]

Tentative Ruling: Due to the size of this morning's three related calendars (203 matters), the court issues the following abbreviated tentative ruling.

The trustee's objections are sustained, and the motion to confirm the plan filed June 16, 2009 is denied.

The court will issue a minute order.

79. [09-25549](#)-B-13J HENRY/MARIA COOK
WSS #1

HEARING - TRUSTEE'S
COUNTER MOTION TO
CONDITIONALLY DISMISS CASE
7-20-09 [[28](#)]

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

The countermotion is conditionally denied, the conditions being that on or before August 18, 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.

80. [09-30949](#)-B-13J MATTHEW VALLE
ADS #1

HEARING - MOTION
TO VALUE COLLATERAL
OF CITIMORTGAGE
7-1-09 [[14](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the number of matters on this morning's three related calendars (203 matters), the court issues the following abbreviated ruling.

The motion to value collateral pursuant to Fed. R. Bankr. P. 3012 and 11 U.S.C. § 506(a), is granted. \$0.00 of creditor's claim secured by the second deed of trust on real property located at 1610 11th Street, Sacramento, CA 95814 ("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 \$160,000.00 on the date of the petition. The Property is encumbered by a first deed of trust held by Aurora Loan Services with a balance of approximately \$174,931.00. 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.

81. [09-27250](#)-B-13J JESUS DOMINGUEZ
DT #4

HEARING - MOTION
TO CONFIRM CHAPTER 13 PLAN
6-17-09 [[23](#)]

Tentative Ruling: Due to the size of this morning's three related calendars (203 matters), the court issues the following abbreviated tentative ruling.

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

The court will issue a minute order.

82. [09-27250](#)-B-13J JESUS DOMINGUEZ
DT #4
- HEARING - TRUSTEE'S
COUNTER MOTION TO
CONDITIONALLY DISMISS CASE
7-21-09 [[31](#)]

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

The countermotion is conditionally denied, the conditions being that on or before August 18, 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.

83. [08-31951](#)-B-13J BRUCE RISEMAN
SAC #5
- HEARING - MOTION
TO MODIFY PLAN AFTER
CONFIRMATION
6-12-09 [[59](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the number of matters on this morning's three related calendars (203 matters), the court issues the following abbreviated ruling.

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

The court will issue a minute order.

84. [09-25251](#)-B-13J TOM O'HARA AND
MWB #2 JULIA BENNETT
- HEARING - MOTION
FOR ORDER CONFIRMING SECOND
AMENDED CHAPTER 13 PLAN
6-25-09 [[31](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the number of matters on this morning's three related calendars (203 matters), the court issues the following abbreviated ruling.

The motion is granted, and the amended plan filed June 25, 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. [09-30551](#)-B-13J RAYMOND/REBECCA RECTOR HEARING - DEBTORS'
CC #1 MOTION TO VALUE COLLATERAL
OF WELLS FARGO BANK, N.A.
7-6-09 [[13](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the number of matters on this morning's three related calendars (203 matters), the court issues the following abbreviated ruling.

The motion to value collateral pursuant to Fed. R. Bankr. P. 3012 and 11 U.S.C. § 506(a), is granted. \$0.00 of creditor's claim secured by the second deed of trust on real property located at 7817 Auburn Wind Court, Citrus Heights, CA 95610 ("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 \$265,000.00 on the date of the petition. The Property is encumbered by a first deed of trust held by Wells Fargo Bank with a balance of approximately \$313,000.00. 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.

86. [09-30651](#)-B-13J RAYMOND/LAILA LARSEN HEARING - MOTION
SAC #2 TO VALUE COLLATERAL OF
COUNTRYWIDE HOME LOANS
6-24-09 [[13](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the number of matters on this morning's three related calendars (203 matters), the court issues the following abbreviated ruling.

The motion to value collateral pursuant to Fed. R. Bankr. P. 3012 and 11 U.S.C. § 506(a), is granted. \$0.00 of creditor's claim secured by the second deed of trust on real property located at 6153 Larry Way, North Highlands, 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 \$90,000.00 on the date of the petition. The Property is encumbered by a first deed of trust held by Countrywide Home Loans with a balance of approximately \$202,000.00. 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.

87. [09-30951](#)-B-13J DAVE/KRISTINE MAYOTTE
ADS #3

HEARING - MOTION
TO VALUE COLLATERAL OF
WASHINGTON MUTUAL BANK
7-6-09 [[18](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the number of matters on this morning's three related calendars (203 matters), the court issues the following abbreviated ruling.

The motion to value collateral pursuant to Fed. R. Bankr. P. 3012 and 11 U.S.C. § 506(a), is granted. \$0.00 of creditor's claim secured by the second deed of trust on real property located at 5300 Sandstone, Carmichael, CA 95608 ("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 \$250,000.00 on the date of the petition. The Property is encumbered by a first deed of trust held by Washington Mutual with a balance of approximately \$265,365.00. Thus, the value of the collateral available to Washington Mutual on its second deed of trust is \$0.00.

The court will issue a minute order.

88. [08-21252](#)-B-13J TROY BACHMAN
KB #3

HEARING - MOTION TO
CONFIRM FIRST MODIFIED PLAN
6-12-09 [[53](#)]

Tentative Ruling: Due to the number of matters on this morning's three related calendars (203 matters), the court issues the following abbreviated tentative ruling. Any party may at the hearing request a more explanatory Disposition After Oral Argument.

The attached motion to value Beneficial/Household Finance's collateral is denied without prejudice. The trustee's objections are sustained, and the motion to confirm 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 debtor under ¶ 8(a) of G.O. 05-03, the procedure by which debtor is proceeding to confirmation in this case.

The court will issue a minute order.

89. [08-21252](#)-B-13J TROY BACHMAN
KB #3

HEARING - TRUSTEE'S
COUNTER MOTION TO
CONDITIONALLY DISMISS CASE
7-20-09 [[62](#)]

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 (202 matters), the court issues the following abbreviated tentative

ruling.

The countermotion is conditionally denied, the conditions being that on or before August 18, 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.

90. [09-23852](#)-B-13J JOHN/GERALDINE WRIGHT HEARING - MOTION
KAR #3 FOR PLAN CONFIRMATION
7-5-09 [[44](#)]

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 July 21, 2009, the debtors filed an amended plan. The filing of the amended plan constitutes a withdrawal of the instant plan.

The court will issue a minute order.

91. [09-23852](#)-B-13J JOHN/GERALDINE WRIGHT HEARING - TRUSTEE'S
KAR #3 COUNTER MOTION TO
CONDITIONALLY DISMISS CASE
7-20-09 [[55](#)]

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

The countermotion is denied.

On July 21, 2009, the debtors filed an amended plan.

The court will issue a minute order.

92. [09-21653](#)-B-13J JASEN/DAWNJA STRIBLING HEARING - DEBTORS'
JCK #4 MOTION TO CONFIRM THIRD
AMENDED CHAPTER 13 PLAN
6-23-09 [[47](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the number of matters on this morning's three related calendars (202 matters), the court issues the following abbreviated ruling.

The motion is granted, and the amended plan filed June 23, 2009 will be

confirmed.

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

93. [09-26753](#)-B-13J RONALD/JENNIFER POINTER HEARING - MOTION
PLG #1 FOR CONFIRMATION OF FIRST
AMENDED CHAPTER 13 PLAN
6-15-09 [[41](#)]

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 July 24, 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.

94. [08-24155](#)-B-13J TERRY WHITE HEARING - MOTION
PGM #7 TO MODIFY CHAPTER 13 PLAN
AFTER CONFIRMATION
6-29-09 [[134](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the number of matters on this morning's three related calendars (202 matters), the court issues the following abbreviated ruling.

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

The court will issue a minute order.

95. [09-20855](#)-B-13J ANTONIO/YADIRA GUTIERREZ HEARING - MOTION
FF #1 TO CONFIRM FIRST AMENDED
CHAPTER 13 PLAN
3-3-09 [[26](#)]

Disposition Without Oral Argument: The motion is dismissed.

This is a duplicate of an identical motion to confirm the debtors' amended plan resolved elsewhere on this calendar.

The court will issue a minute order.

96. [09-20855](#)-B-13J ANTONIO/YADIRA GUTIERREZ HEARING - MOTION
FF #2 TO VALUE COLLATERAL (VEHICLE)
FOR LIEN OF FIRESIDE BANK
3-3-09 [[32](#)]

Disposition Without Oral Argument: The motion is dismissed.

This is a duplicate of an identical motion to value Fireside Bank's collateral resolved elsewhere on this calendar.

The court will issue a minute order.

97. [09-20855](#)-B-13J ANTONIO/YADIRA GUTIERREZ HEARING - MOTION
FF #3 TO VALUE COLLATERAL (VEHICLE)
FOR LIEN OF FIRESIDE BANK
3-3-09 [[30](#)]

Disposition Without Oral Argument: The motion is dismissed.

This is a duplicate of an identical motion to value Fireside Bank's collateral resolved elsewhere on this calendar.

The court will issue a minute order.

98. [09-20855](#)-B-13J ANTONIO/YADIRA GUITERREZ HEARING - MOTION
FF #4 TO CONFIRM FIRST AMENDED
CHAPTER 13 PLAN
6-17-09 [[57](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the number of matters on this morning's three related calendars (202 matters), the court issues the following abbreviated ruling.

The motion is granted, and the amended plan filed February 26, 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.

99. [09-20855](#)-B-13J ANTONIO/YADIRA GUTIERREZ HEARING - MOTION
FF #5 TO VALUE COLLATERAL (VEHICLE)
FOR LIEN OF FIRESIDE BANK
6-17-09 [[60](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the number of matters on this morning's three related calendars (202 matters), the court issues the following abbreviated ruling.

The motion to value collateral pursuant to Fed. R. Bankr. P. 3012 and 11 U.S.C. § 506(a), is granted. \$4,256.00 of Fireside Bank's claim secured by a 2001 Pontiac Grand Am ("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 replacement value of \$4,256.00 on the date of the petition.

The court will issue a minute order.

100. [09-20855](#)-B-13J ANTONIO/YADIRA GUTIERREZ HEARING - MOTION
FF #6 TO VALUE COLLATERAL (VEHICLE)
FOR LIEN OF FIRESIDE BANK
6-17-09 [[63](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the number of matters on this morning's three related calendars (202 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. \$3,533.00 of Fireside Bank's claim secured by a 1999 BMW ("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 replacement value of \$3,533.00 on the date of the petition.

The court will issue a minute order.

101. [08-38457](#)-B-13J SAUL/FABIOLA RUVALCABA CONT. HEARING - SECOND
MRT #4 MOTION TO MODIFY AND CONFIRM
CHAPTER 13 PLAN
5-2-09 [[40](#)]

CONT. FROM 7-7-09, 6-16-09

Disposition Without Oral Argument: This matter continued from July 7, 2009 to be heard with debtors' motion to value Golden One Credit Union's collateral, which is resolved elsewhere on this calendar. 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 (202 matters), the court issues the following abbreviated ruling.

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

102. [08-38457](#)-B-13J SAUL/FABIOLA RUVALCABA
MRT #4

HEARING - SECOND
MOTION TO VALUE COLLATERAL
AND AVOID LIEN OF GOLDEN
ONE CREDIT UNION
7-10-09 [[60](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the number of matters on this morning's three related calendars (202 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 Golden One Credit Union's claim secured by the second deed of trust on real property located at 1932 Branigan Avenue, Woodland, CA 95776 ("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 \$315,000.00 on the date of the petition. The Property is encumbered by a first deed of trust held by Downey Savings and Loan Association with a balance of approximately \$363,920.00. Thus, the value of the collateral available to Golden One Credit Union on its second deed of trust is \$0.00.

The court will issue a minute order.

103. [09-29558](#)-B-13J AMBER/JOSHUA MITCHELL
CAH #1

HEARING - MOTION TO
CONFIRM THE 1ST AMENDED
CHAPTER 13 PLAN
6-19-09 [[17](#)]

Tentative Ruling: Due to the number of matters on this morning's three related calendars (202 matters), the court issues the following abbreviated tentative ruling.

The attached motion to value Citi Auto Financial's collateral is deemed withdrawn. The trustee's objection is sustained. Confirmation of the plan filed June 19, 2009 is denied.

The court will issue a minute order.

104. [09-29558](#)-B-13J AMBER/JOSHUA MITCHELL
CAH #1

HEARING - TRUSTEE'S
COUNTER MOTION TO
CONDITIONALLY DISMISS CASE
7-21-09 [[22](#)]

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

107. [09-29359](#)-B-13J BENJAMIN/TIFFANY ROMANO
SAC #1

HEARING - MOTION
TO VALUE COLLATERAL OF
FIRST FRANKLIN
6-25-09 [[22](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the number of matters on this morning's three related calendars (202 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 First Franklin's claim secured by the second deed of trust on real property located at 1641 Cantrell Lane, Placerville, 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 \$280,000.00 on the date of the petition. The Property is encumbered by a first deed of trust held by First Franklin with a balance of approximately \$299,000.00. Thus, the value of the collateral available to First Franklin on its second deed of trust is \$0.00.

The court will issue a minute order.

108. [09-29359](#)-B-13J BENJAMIN/TIFFANY ROMANO
SAC #2

HEARING - MOTION
TO VALUE COLLATERAL OF
ET LENDERS
6-25-09 [[26](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the number of matters on this morning's three related calendars (202 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 ET Lenders' claim secured by the third deed of trust on real property located at 1641 Cantrell Lane, Placerville, 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 \$280,000.00 on the date of the petition. The Property is encumbered by a first deed of trust held by First Franklin with a balance of approximately \$299,000.00, and a second deed of trust with a balance of approximately \$75,000.00. Thus, the value of the collateral available to ET Lenders on its second deed of trust is \$0.00.

The court will issue a minute order.

109. [09-29359](#)-B-13J BENJAMIN/TIFFANY ROMANO HEARING - MOTION TO
SAC #3 VALUE COLLATERAL OF HSBC
6-25-09 [[30](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the number of matters on this morning's three related calendars (202 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. \$14,080 of HSBC's claim secured by 2005 Dodge Ram 1500 ("Collateral") is a secured claim, and the balance of such claim is an unsecured claim.

In the absence of opposition, for the purposes of this motion, the Collateral had a replacement value of \$14,080.00 on the date of the petition.

The court will issue a minute order.

110. [08-32960](#)-B-13J RUBY SINUHE HEARING - TRUSTEE'S
JPJ #2 OBJECTION TO ALLOWANCE OF
CLAIM NO. 11 OF CITIMORTGAGE
6-8-09 [[38](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the number of matters on this morning's three related calendars (203 matters), the court issues the following abbreviated ruling.

The trustee's objection is sustained, and claim No. 11 filed on January 16, 2009 by Citimortgage in the amount of \$225,299.94 (the "Claim") is disallowed except to the extent previously paid by the trustee.

The Claim was not timely filed. The last date to file a non-government claim was January 14, 2009 and to file a government claim was March 10, 2009. The Claim was filed on January 16, 2009.

The court will issue a minute order.

111. [09-26861](#)-B-13J PABLO/DEANNA GONZALES CONT. HEARING - OBJECTION TO
RTD #1 CONFIRMATION OF THE CHAPTER 13
PLAN BY THE GOLDEN ONE
CREDIT UNION
5-26-09 [[25](#)]

CONT. FROM 6-16-09

Disposition Without Oral Argument: This matter was continued in error from June 16, 2009. The objection was resolved by stipulation. Due to the number of matters on this morning's three related calendars (203 matters), the court issues the following abbreviated ruling.

The objection has been withdrawn, and the matter is removed from the

calendar.

The objection was continued in error. It has been resolved by stipulation and withdrawn. It was therefore dropped from the calendar on June 16, 2009 (Dkt. 43). It is now removed from the calendar again. It is not continued to a later date.

The court will issue a minute order.

112. [09-33361](#)-B-13J FATIMA GOLPARAST
JPJ #1
- HEARING - TRUSTEE'S
MOTION FOR ORDER CONFIRMING
THAT THE AUTOMATIC STAY DID
NOT GO INTO EFFECT UPON THE
FILING OF THIS PETITION
7-13-09 [[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.

113. [09-24162](#)-B-13J NINA/VALEREIY YAKIMCHUK
CAH #2
- HEARING - MOTION
TO CONFIRM 2ND AMENDED
CHAPTER 13 PLAN
6-17-09 [[34](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the number of matters on this morning's three related calendars (203 matters), the court issues the following abbreviated ruling.

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

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

114. [08-26264](#)-B-13J KEITH/MARY ZACHMAN
DKC #2
- HEARING - MOTION
TO CONFIRM MODIFIED PLAN
6-26-09 [[39](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the number of matters on this morning's three related calendars (203 matters), the court issues the following abbreviated ruling.

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

The court will issue a minute order.

115. [08-32964](#)-B-13J ORLANDO/NIEVES BARCENA
JPJ #1

HEARING - TRUSTEE'S
OBJECTION TO ALLOWANCE OF
CLAIM NO. 20 OF DEPT. STORES
NATIONAL BANK
6-8-09 [[23](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the number of matters on this morning's three related calendars (203 matters), the court issues the following abbreviated ruling.

The trustee's objection is sustained, and claim No. 20 filed on February 6, 2009 by Department Stores National Bank c/o Tsys Debt Mgmt. Inc. in the amount of \$860.38 (the "Claim") is disallowed except to the extent previously paid by the trustee.

The Claim was not timely filed. The last date to file a non-government claim was January 14, 2009 and to file a government claim was March 10, 2009. The Claim was filed on February 6, 2009.

The court will issue a minute order.

116. [09-31564](#)-B-13J GISELA TRENT
WSS #1

HEARING - MOTION TO
VALUE REAL PROPERTY HELD
BY USAA SAVINGS BANK
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 (203 matters), the court issues the following abbreviated ruling.

The motion to value collateral pursuant to Fed. R. Bankr. P. 3012 and 11 U.S.C. § 506(a), is granted. \$0.00 of USAA Savings Bank's claim secured by the second deed of trust on real property located at 1778 Irongate Way, 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 \$250,000.00 on the date of the petition. The Property is encumbered by a first deed of trust held by Indymac Mortgage Services with a balance of approximately \$300,00.00. Thus, the value of the collateral available to USAA Savings Bank on its second deed of trust is \$0.00.

The court will issue a minute order.

117. [09-33264](#)-B-13J GRANT/LEAH SORENSEN
JT #1

HEARING - MOTION
TO VALUE COLLATERAL OF
NATIONAL CITY MORTGAGE
7-7-09 [[10](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the number of matters on this morning's three related calendars (203 matters), the court issues the following abbreviated ruling.

The motion to value collateral pursuant to Fed. R. Bankr. P. 3012 and 11 U.S.C. § 506(a), is granted. \$0.00 of National City Mortgage's claim secured by the second deed of trust on real property located at 990 Hillview Drive, Dixon, CA 95620 ("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 \$294,600.00 on the date of the petition. The Property is encumbered by a first deed of trust held by Citimortgage with a balance of approximately \$341,209.00. Thus, the value of the collateral available to National City Mortgage on its second deed of trust is \$0.00.

The court will issue a minute order.

118. [08-24265](#)-B-13J CHERYL/MARTWIN JANKE HEARING - MOTION
WSS #4 FOR CONFIRMATION OF PLAN
6-17-09 [[105](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the number of matters on this morning's three related calendars (203 matters), the court issues the following abbreviated ruling.

The attached motion to value Irwin Home Equity's collateral is deemed withdrawn. The motion is granted, and the amended plan filed June 17, 2009 will be confirmed.

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

119. [09-31566](#)-B-13J ERIK/SUSAN NEMER HEARING - MOTION TO
WSS #1 VALUE REAL PROPERTY OF
CCO MORTGAGE
6-18-09 [[12](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the number of matters on this morning's three related calendars (203 matters), the court issues the following abbreviated ruling.

The motion to value collateral pursuant to Fed. R. Bankr. P. 3012 and 11 U.S.C. § 506(a), is granted. \$0.00 of CCO Mortgage's claim secured by the second deed of trust on real property located at 5175 4th Street, 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 \$200,000.00 on the date of the petition. The Property is encumbered by a first deed of trust held by National City Mortgage with a balance of approximately \$285,000.00. Thus, the value of the collateral available to CCO Mortgage on its second deed of trust is

\$0.00.

The court will issue a minute order.

120. [09-21767](#)-B-13J EMMA SOLIS
JT #2
- HEARING - MOTION
TO CONFIRM SECOND AMENDED
CHAPTER 13 PLAN
6-25-09 [[38](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the number of matters on this morning's three related calendars (203 matters), the court issues the following abbreviated ruling.

The motion is granted, and the amended plan filed June 25, 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.

121. [09-23967](#)-B-13J DAVID/VALERIE HINES
JSO #2
- HEARING - MOTION TO
CONFIRM SECOND AMENDED
CHAPTER 13 PLAN
6-15-09 [[35](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the number of matters on this morning's three related calendars (203 matters), the court issues the following abbreviated ruling.

The motion is granted, and the amended plan filed June 15, 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.

122. [09-21070](#)-B-13J MICHAEL/DIANE MCKINNEY
JRH #4
- HEARING - MOTION TO
CONFIRM SECOND AMENDED PLAN
6-16-09 [[43](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the number of matters on this morning's three related calendars (203 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.

123. [09-30870](#)-B-13J FRANK/RONNI STEVENS
GK #1

HEARING - OBJECTION
TO CONFIRMATION OF PLAN
BY WELLS FARGO EQUIPMENT
FINANCE, INC.
7-6-09 [[19](#)]

Tentative Ruling: Creditor Wells Fargo Equipment Finance's objection is governed by the procedures of LBR 9014-1(f)(2). Opposition may be presented at the hearing. Subject to such opposition and due to the number of matters on this morning's three related calendars (203 matters), the court issues the following abbreviated tentative ruling.

The attached motion to value Wells Fargo Equipment Finance's collateral is resolved elsewhere on this calendar. Creditor Wells Fargo Equipment Finance's objection is sustained. Confirmation of the plan filed May 29, 2009 is denied.

The court will issue a minute order.

124. [09-30870](#)-B-13J FRANK/RONNI STEVENS
GK #2

HEARING - OPPOSITION
TO MOTION TO VALUE COLLATERAL
OF WELLS FARGO BANK EQUIPMENT
FINANCE, INC.
7-6-09 [[23](#)]

Tentative Ruling: Creditor Wells Fargo Equipment Finance's objection is governed by the procedures of LBR 9014-1(f)(2). Opposition may be presented at the hearing. Subject to such opposition and due to the number of matters on this morning's three related calendars (203 matters), the court issues the following abbreviated tentative ruling.

The attached motion to value Wells Fargo Equipment Finance's ("WFEF") collateral is denied without prejudice.

As stated in the WFEF opposition, the motion fails to address all of WFEF's collateral.

The court will issue a minute order.

125. [09-29175](#)-B-13J DALE NEWBERRY
SDB #1

HEARING - DEBTOR'S
MOTION FOR ORDER VALUING
COLLATERAL OF EMC
6-29-09 [[18](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the number of matters on this morning's three related calendars (203 matters), the court issues the following abbreviated ruling.

The motion to value collateral pursuant to Fed. R. Bankr. P. 3012 and 11 U.S.C. § 506(a), is granted. \$0.00 of EMC's claim secured by the second deed of trust on real property located at 26143 Sugar Pine Drive, Pioneer, CA 95666 ("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 \$150,000.00 on the date of the petition. The Property is encumbered by a first deed of trust held by EMC with a balance of approximately \$252,308.44. Thus, the value of the collateral available to EMC on its second deed of trust is \$0.00.

The court will issue a minute order.

126. [09-29975](#)-B-13J HAIDAR/DENIS JUNAID
JPJ #1

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

CONT. FROM 7-21-09

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 number of matters on this morning's three related calendars (203 matters), the court issues the following abbreviated tentative ruling.

The attached motion to value Umpqua Bank's collateral is granted. \$10,000.00 of Umpqua Bank's claim secured by Wienerschnitzel Store # 617's equipment, goodwill, and general intangibles ("Collateral") is a secured claim, and the balance of such claim is an unsecured claim. The trustee's objections are sustained. Confirmation of the plan filed May 19, 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.

In the absence of opposition, for the purposes of this motion, the Collateral had a value of \$10,000.00 on the date of the petition.

The court will issue a minute order.

127. [08-31076](#)-B-13J LOUIS/THERESA SANTOSCOY
JPJ #2

HEARING - TRUSTEE'S
OBJECTION TO ALLOWANCE OF
CLAIM NO. 8 OF LITTON
LOAN SERVICING
6-8-09 [[89](#)]

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

The objection is sustained. Claim no. 8 of Litton Loan Servicing ("Litton"), filed on January 26, 2009 in the amount of \$393,360.03 (the "Claim") is disallowed, except to the extent already paid by the chapter 13 trustee.

Litton's opposition seeks an order from the court deeming its late-filed secured claim allowed for the purposes of this chapter 13 case. The bar date set for the filing of non-government claims in this case was December 17, 2008. Litton filed the Claim on January 26, 2009. Litton argues that the Claim should be allowed because it never received notice of the filing of the case, because no party in interest will be prejudiced by allowing the late-filed claim, and because the interests of justice so require.

Litton's argument is not persuasive. In the Ninth Circuit, lack of notice of the claims bar deadline is not sufficient grounds for allowance of a claim filed after the deadline. See In re Coastal Alaska Airlines, Inc., 920 F.2d 1428, 1432-33 (9th Cir. 1990); In re Edelman, 237 B.R. 146, 153 (B.A.P. 9th Cir. 1999). As stated by the Coastal Alaska court, "[m]ost of the cases allowing late filing of claims involve creditors who did not receive notice of the claims bar deadline. However, we do not believe that those cases can be reconciled with Rule 3002(c)." Coastal Alaska, 920 F.2d at 1432. Instead, Ninth Circuit authority holds that a claim is timely filed and allowed for the purposes of a chapter 13 case only if one of the requirements under Federal Rule of Bankruptcy Procedure 3002(c) is satisfied. Coastal Alaska, 920 F.2d at 1432-33 ("Rule 3002(c) identifies six circumstances where a late filing is allowed."); Edelman, 237 B.R. at 152 (Bankruptcy Rule 3002(c) provides only five exceptions to the ninety day filing period prescribed for the filing of claims). Coastal Alaska's reference to six circumstances under Bankruptcy Rule 3002(c) and Edelman's reference to five circumstances is explained by the 1996 amendments to the Bankruptcy Code, which abrogated allowance of late-filed claims against surplus estate assets in chapter 7 cases. Bankruptcy Rule 3002 therefore "complements the process of allowing claims by setting a bar date by which a claim must be filed in order to be allowed under 11 U.S.C. § 502." In re Osborne, 76 F.3d 306, 309-310 (9th Cir. 1996).

In this case, Litton has failed to establish that any of the circumstances under Bankruptcy Rule 3002(c) apply. Accordingly, the Claim is disallowed as untimely, except to the extent already paid by the chapter 13 trustee.

Although the court is bound to follow the precedent established by the Ninth Circuit Court of Appeals, it expresses no opinion at this time as to whether the debt owed to County will be discharged upon completion of the case. Section 1328(a) of the Bankruptcy Code provides, in relevant part, that upon completion of all payments under the plan, the court shall grant the debtor a discharge of "all debts provided by the plan or disallowed under section 502 of this title." 11 U.S.C. § 1328(a). A chapter 13 creditor's claim is not discharged if the creditor did not receive proper notice of the case. See United States v. Hairopoulos (In re Hairopoulos), 118 F.3d 1240, 1244 (8th Cir. 1997) ("[A] claim cannot be considered to have been provided for by the plan if a creditor does not receive proper notice of the proceedings") citing In re Greenburgh, 151 B.R. 709, 716 (Bankr. E.D. Pa. 1993); In re Ryan, 78 B.R. 175, 183 (Bankr. E.D. Tenn. 1987); In re Cash, 51 B.R. 927, 929 (Bankr. N.D. Ala. 1985). "Both statutory and constitutional implications arise when a creditor fails to receive adequate notice of the bankruptcy proceedings. . . . The constitutional component of notice is based upon a recognition that creditors have a right to adequate notice and the opportunity to participate in a meaningful way in the course of bankruptcy proceedings. Hairopoulos, 118 F.3d at 1244-125, citing City of New York v. New York, New Haven & Hartford R.R. Co., 344 U.S. 293, 297, 73 S.Ct. 299, 301, 97 L.Ed. 333 (1953); Mullane v. Central Hanover Bank & Trust Co., 339 U.S. 306, 314, 70 S.Ct. 652, 657, 94 L.Ed. 865 (1950).

The court will issue a minute order.

128. [09-27778](#)-B-13J SHARON CLEMENTS
SAK #1

HEARING - MOTION
TO VALUE COLLATERAL OF
OF COUNTRYWIDE
6-25-09 [[16](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the number of matters on this morning's three related calendars (203 matters), the court issues the following abbreviated ruling.

The motion to value collateral pursuant to Fed. R. Bankr. P. 3012 and 11 U.S.C. § 506(a), is granted. \$0.00 of Countrywide's claim secured by the second deed of trust on real property located at 43 Pomo Trail, BlairsdenGraeagle, 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 \$334,000.00 on the date of the petition. The Property is encumbered by a first deed of trust held by Countrywide with a balance of approximately \$382,361.00. Thus, the value of the collateral available to Countrywide on its second deed of trust is \$0.00.

The court will issue a minute order.

129. [09-29279](#)-B-13J RICHARD/GLORIA STROHECKER
JLK #1

HEARING - MOTION TO
VALUE COLLATERAL OF DITECH
6-5-09 [[15](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the number of matters on this morning's three related calendars (203 matters), the court issues the following abbreviated ruling.

The motion to value collateral pursuant to Fed. R. Bankr. P. 3012 and 11 U.S.C. § 506(a), is granted. \$0.00 of Ditech's claim secured by the second deed of trust on real property located at 7536 Candlewood 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 \$85,000.00 on the date of the petition. The Property is encumbered by a first deed of trust held by Beneficial with a balance of approximately \$208,857.00. Thus, the value of the collateral available to Ditech on its second deed of trust is \$0.00.

The court will issue a minute order.

130. [09-30879](#)-B-13J ROLAND/OLIVIA MENDONCA
JPJ #1

HEARING - TRUSTEE'S
OBJECTION TO CONFIRMATION OF
THE CHAPTER 13 PLAN AND
CONDITIONAL MOTION TO
DISMISS CASE
7-8-09 [[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 number of matters on this morning's three related calendars (203 matters), the court issues the following abbreviated tentative ruling.

The attached motion to value Countrywide Mortgage's collateral pursuant to Fed. R. Bankr. P. 3012 and 11 U.S.C. § 506(a), is granted. \$0.00 of Countrywide Mortgage's claim secured by the second deed of trust on real property located at 8320 Tail Race Drive, Roseville, CA 95747 ("Property") is a secured claim, and the balance of its claim is an unsecured claim. The trustee's objections are sustained. Confirmation of the plan filed May 29, 2009 is denied. The trustee's motion to dismiss is conditionally denied, the conditions being that on or before August 18, 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.

In the absence of opposition, for the purposes of this motion, the Property had a value of \$445,000.00 on the date of the petition. The Property is encumbered by a first deed of trust held by Americas Servicing Company with a balance of approximately \$560,000.00. Thus, the value of the collateral available to Countrywide Mortgage on its second

deed of trust is \$0.00.

The court will issue a minute order.

131. [09-30979](#)-B-13J TIMOTHY COMBS
ADS #1

HEARING - MOTION TO
VALUE COLLATERAL OF BANK
OF AMERICA/LASALLE BANK
6-24-09 [[14](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the number of matters on this morning's three related calendars (203 matters), the court issues the following abbreviated ruling.

The motion to value collateral pursuant to Fed. R. Bankr. P. 3012 and 11 U.S.C. § 506(a), is granted. \$0.00 of Bank of America/LaSalle Bank's claim secured by the second deed of trust on real property located at 263 Columbia Way, Sutter Creek, CA 95685 ("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 \$325,000.00 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 \$330,000.00. Thus, the value of the collateral available to Bank of America/LaSalle Bank on its second deed of trust is \$0.00.

The court will issue a minute order.

132. [09-30979](#)-B-13J TIMOTHY COMBS
ADS #2

HEARING - MOTION TO
VALUE COLLATERAL OF PACIFIC
SERVICE CREDIT UNION
6-30-09 [[19](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the number of matters on this morning's three related calendars (203 matters), the court issues the following abbreviated ruling.

The motion to value collateral pursuant to Fed. R. Bankr. P. 3012 and 11 U.S.C. § 506(a), is granted. \$11,400.00 of Pacific Service Credit Union's claim secured by a 2003 Lincoln Navigator ("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 replacement value of \$11,400.00 on the date of the petition.

The court will issue a minute order.

133. [09-31279](#)-B-13J PAULA MORTON
SLH #1

HEARING - MOTION
TO VALUE COLLATERAL OF
INDYMAC BANK FSB
6-10-09 [[8](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the number of matters on this morning's three related calendars (203 matters), the court issues the following abbreviated ruling.

The motion to value collateral pursuant to Fed. R. Bankr. P. 3012 and 11 U.S.C. § 506(a), is granted. \$0.00 of Indymac Bank's claim secured by the second deed of trust on real property located at 2631 Squaw Valley Way, Sacramento, CA 95826 ("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 \$197,500.00 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 \$272,000.00. 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.

134. [08-30880](#)-B-13J JERRY/VERONICA GORDON
JPJ #2

HEARING - TRUSTEE'S
OBJECTION TO ALLOWANCE OF
CLAIM NO. 20 OF CHASE
STUDENT LOAN SERVICING
6-8-09 [[30](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the number of matters on this morning's three related calendars (203 matters), the court issues the following abbreviated ruling.

The trustee's objection is sustained, and claim No. 20 filed on April 3, 2009 by Chase Student Loan Servicing in the amount of \$87,949.71 (the "Claim") is disallowed except to the extent previously paid by the trustee.

The Claim was not timely filed. The last date to file a non-government claim was December 17, 2008 and to file a government claim was February 2, 2009. The Claim was filed on April 3, 2009.

The court will issue a minute order.

135. [08-30880](#)-B-13J JERRY/VERONICA GORDON
JPJ #3

HEARING - TRUSTEE'S
OBJECTION TO ALLOWANCE OF
CLAIM NO. 21 OF CHASE
STUDENT LOAN SERVICING
6-8-09 [[34](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the number of matters on this morning's three related calendars (203 matters), the court issues the following abbreviated ruling.

The trustee's objection is sustained, and claim No. 21 filed on April 6, 2009 by Chase Student Loan Servicing in the amount of \$88,023.01 (the "Claim") is disallowed except to the extent previously paid by the trustee.

The Claim was not timely filed. The last date to file a non-government claim was December 17, 2008 and to file a government claim was February 2, 2009. The Claim was filed on April 6, 2009.

The court will issue a minute order.

136. [09-26980](#)-B-13J GARFIELD/SHERI SHELTON
PLG #5

HEARING - MOTION
TO VALUE COLLATERAL SECURED
BY THE CLAIM OF CALIFORNIA
COMMUNITY CREDIT UNION
7-6-09 [[57](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the number of matters on this morning's three related calendars (203 matters), the court issues the following abbreviated ruling.

The motion to value collateral pursuant to Fed. R. Bankr. P. 3012 and 11 U.S.C. § 506(a), is granted. \$7,430.00 of California Community Credit Union's claim secured by a 2002 Nissan Maxima GLE ("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 replacement value of \$7,430.00 on the date of the petition.

The court will issue a minute order.

137. [09-28880](#)-B-13J RICHARD/MICHELLE DICKSON
WW #1

HEARING - MOTION
TO CONFIRM FIRST AMENDED
CHAPTER 13 PLAN
6-24-09 [[20](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the number of matters on this morning's three related calendars (203 matters), the court issues the following abbreviated ruling.

The motion is granted, and the amended plan filed June 24, 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.

138. [09-28880](#)-B-13J RICHARD/MICHELLE DICKSON HEARING - MOTION
WW #2 TO VALUE COLLATERAL OF
WASHINGTON MUTUAL MORTGAGE
6-24-09 [[27](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the number of matters on this morning's three related calendars (203 matters), the court issues the following abbreviated ruling.

The motion to value collateral pursuant to Fed. R. Bankr. P. 3012 and 11 U.S.C. § 506(a), is granted. \$0.00 of Washington Mutual Mortgage's claim secured by the second deed of trust on real property located at 9400 Daniels Court, Elk Grove, 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 \$250,000.00 on the date of the petition. The Property is encumbered by a first deed of trust held by Aurora Loan Services with a balance of approximately \$467,900.00. Thus, the value of the collateral available to Washington Mutual Mortgage on its second deed of trust is \$0.00.

The court will issue a minute order.

139. [09-30381](#)-B-13J DAVID/KYRIAKOULA CHERVICK HEARING - OBJECTION TO
RTD #1 CONFIRMATION OF THE CHAPTER 13
PLAN AND OPPOSITION TO DEBTORS'
MOTION TO VALUE COLLATERAL BY
SCHOOLS FINANCIAL CREDIT UNION
7-7-09 [[13](#)]

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

The objection is overruled.

The objection is moot. On July 8, 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 plan to which the creditor's objection is directed.

The court will issue a minute order.

140. [09-30881](#)-B-13J RAYMOND/CHARLOTTE PARKER
SAC #1

HEARING - MOTION TO
VALUE COLLATERAL OF BANK
OF AMERICA
6-24-09 [[13](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the number of matters on this morning's three related calendars (203 matters), the court issues the following abbreviated ruling.

The motion to value collateral pursuant to Fed. R. Bankr. P. 3012 and 11 U.S.C. § 506(a), is granted. \$0.00 of Bank of America's claim secured by the second deed of trust on real property located at 150 Heron Place, Lincoln, 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 \$300,000.00 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 \$375,000.00. 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.

141. [08-25982](#)-B-13J LAWRENCE WHITING, JR.
JPJ #2

HEARING - TRUSTEE'S
OBJECTION TO ALLOWANCE OF
CLAIM NO. 8 OF CHASE HOME
EQUITY
6-8-09 [[78](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the number of matters on this morning's three related calendars (203 matters), the court issues the following abbreviated ruling.

The trustee's objection is sustained, and claim No. 8 filed on February 19, 2009 by Chase Home Equity in the amount of \$49,083.32 (the "Claim") is disallowed except to the extent previously paid by the trustee.

The Claim was not timely filed. The last date to file a non-government claim was November 26, 2008 and to file a government claim was January 20, 2009. The Claim was filed on February 19, 2009.

The court will issue a minute order.

142. [08-28882](#)-B-13J ANTHONY/SINDY CESARINI
PGM #2

HEARING - MOTION
TO MODIFY CHAPTER 13 PLAN
AFTER CONFIRMATION
6-18-09 [[48](#)]

Tentative Ruling: Due to the number of matters on this morning's three related calendars (203 matters), the court issues the following abbreviated tentative ruling.

Creditor Toyota Motor Credit Corporation's objection is overruled. The motion is granted, and the modified plan filed June 18, 2009 is confirmed.

On October 9, 2008, creditor Toyota Motor Credit Corporation filed a proof of claim in the amount of \$10,351.95 (POC 4). The plan proposes to pay that claim in full.

The court will issue a minute order.

143. [08-35582](#)-B-13J ALLEN JOHNSON

HEARING - MOTION TO
CONFIRM CHAPTER 13 PLAN
6-2-09 [[68](#)]

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

The motion is dismissed.

This motion was filed June 2, 2009, the day of the hearing on confirmation of the plan filed May 4, 2009. While this motion fails to designate the plan it seeks to confirm, it could only have sought to confirm the plan filed May 4, 2009, since all prior plans had either been superseded by a later filed plan or denied confirmation. See Docket Numbers 12, 13, 32, 45 and 61. Confirmation of the plan filed May 4, 2009 was denied at the hearing on June 2, 2009 (Dkt. 69), and an order to that effect was entered June 4, 2009 (Dkt. 70).

The court will issue a minute order.

144. [09-26382](#)-B-13J LISA GATES
KAR #1

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

CONT. FROM 7-21-09

Tentative Ruling: Due to the number of matters on this morning's three related calendars (203 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.

145. [09-26382](#)-B-13J LISA GATES
KAR #1

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

CONT. FROM 7-21-09

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 number of matters on this morning's three related calendars (203 matters), the court issues the following abbreviated tentative ruling.

The countermotion is conditionally denied, the conditions being that on or before August 18, 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.

146. [06-23483](#)-B-13J MARY O'TOOLE
SDB #3

HEARING - MOTION
TO MODIFY CHAPTER 13 PLAN
AFTER CONFIRMATION
6-17-09 [[66](#)]

Tentative Ruling: Due to the number of matters on this morning's three related calendars (203 matters), the court issues the following abbreviated tentative ruling.

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

The court will issue a minute order.

147. [08-30483](#)-B-13J DENNIS/VIRGINIA HARGRAVE
DKC #8

HEARING - MOTION
TO SET ASIDE DISMISSAL
7-15-09 [[108](#)]

CASE DISMISSED 7-2-09

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.

148. [09-20083](#)-B-13J GARY/IRIS CUDD
CC #4

CONT. HEARING - DEBTORS'
MOTION TO VALUE COLLATERAL OF
AMERICAN RIVER HEALTH PRO. C/U
6-9-09 [[49](#)]

CONT. FROM 7-7-09

Disposition Without Oral Argument: This motion is unopposed. Due to the number of matters on this morning's three related calendars (203 matters), the court issues the following abbreviated ruling.

The motion to value collateral pursuant to Fed. R. Bankr. P. 3012 and 11 U.S.C. § 506(a), is granted. \$18,200.00 of American Health Pro C/U's claim secured by a 2005 Nissan Armada SE ("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 replacement value of \$18,200.00 on the date of the petition.

The court will issue a minute order.

149. [09-26783](#)-B-13J BEEMON BROWN
JT #2

HEARING - MOTION TO
VALUE COLLATERAL OF NATIONAL
CITY MORTGAGE
6-18-09 [[23](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the number of matters on this morning's three related calendars (203 matters), the court issues the following abbreviated ruling.

The motion to value collateral pursuant to Fed. R. Bankr. P. 3012 and 11 U.S.C. § 506(a), is granted. \$0.00 of National City Mortgage's claim secured by the second deed of trust on real property located at 6360 Doncrest Lane, North Highlands, CA 95660 ("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 \$134,000.00 on the date of the petition. The Property is encumbered by a first deed of trust held by National City Mortgage with a balance of approximately \$227,014.96. Thus, the value of the collateral available to National City Mortgage on its second deed of trust is \$0.00.

The court will issue a minute order.

150. [07-29987](#)-B-13J MARTIN/KIMBERLY CLARK
ADS #3

HEARING - MOTION
TO MODIFY CHAPTER 13 PLAN
AFTER CONFIRMATION
6-30-09 [[73](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the number of matters on this morning's three related calendars (203 matters), the court issues the following abbreviated ruling.

The motion is granted, and the modified plan filed June 30, 2009 is confirmed.

The court will issue a minute order.

151. [09-29587](#)-B-13J EDWIN/SUSAN GRECO
TJW #1

HEARING - MOTION FOR
ORDER TO VALUE COLLATERAL
REAL PROPERTY HELD BY
GMAC MORTGAGE
6-22-09 [[17](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the number of matters on this morning's three related calendars (203 matters), the court issues the following abbreviated ruling.

The motion to value collateral pursuant to Fed. R. Bankr. P. 3012 and 11 U.S.C. § 506(a), is granted. \$0.00 of GMAC Mortgage's claim secured by the second deed of trust on real property located at 801 Stoneridge Circle, Fairfield, 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 \$328,000.00 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 \$420,000.00. 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.

152. [09-29588](#)-B-13J CHARLES/DIANA LOVENGUTH
TJW #1

HEARING - MOTION FOR
ORDER TO VALUE COLLATERAL
REAL PROPERTY HELD BY
COUNTRYWIDE HOME LOANS
6-22-09 [[17](#)]

RESCHEDULED TO 9-1 @ 9:32AM

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

This matter is continued to September 1, 2009 at 9:32 a.m.

Continuances of hearings must be approved by the court. LBR 9014-1(j). A Notice of Continued Hearing, standing alone, is ineffective. The court treats the Notice of Continued Hearing filed July 16, 2009 as a request for a continuance, which the court approves.

The court will issue a minute order.

153. [09-30488](#)-B-13J REID WITHROW AND HEARING - MOTION
MET #4 LORI PALISI TO CONFIRM PLAN
6-25-09 [[18](#)]

Tentative Ruling: Due to the number of matters on this morning's three related calendars (203 matters), the court issues the following abbreviated tentative ruling.

The trustee's objections are sustained, and the motion to confirm the plan filed June 25, 2009 is denied.

The court will issue a minute order.

154. [09-30488](#)-B-13J REID WITHROW AND LORI PALI HEARING - TRUSTEE'S
MET #4 COUNTER MOTION TO
CONDITIONALLY DISMISS CASE
7-20-09 [[23](#)]

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 number of matters on this morning's three related calendars (203 matters), the court issues the following abbreviated tentative ruling.

The countermotion is conditionally denied, the conditions being that on or before August 18, 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.

155. [09-29589](#)-B-13J RONALD/URSULA VIVIANI HEARING - MOTION FOR
TJW #1 ORDER TO VALUE COLLATERAL
REAL PROPERTY HELD BY
COUNTRYWIDE HOME LOANS
6-22-09 [[15](#)]

RESCHEDULED TO 9-1 @ 9:32AM

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

This matter is continued to September 1, 2009 at 9:32 a.m.

Continuances of hearings must be approved by the court. LBR 9014-1(j). A Notice of Continued Hearing, standing alone, is ineffective. The court treats the Notice of Continued Hearing filed July 17, 2009 as a request for a continuance, which the court approves.

The court will issue a minute order.

156. [09-31590](#)-B-13J BRANDON/BRANDY O'NEILL
SDB #1
- HEARING - MOTION
FOR ORDER VALUING COLLATERAL
OF COUNTRYWIDE HOME LOANS/
BANK OF AMERICA
6-25-09 [[15](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the number of matters on this morning's three related calendars (203 matters), the court issues the following abbreviated ruling.

The motion to value collateral pursuant to Fed. R. Bankr. P. 3012 and 11 U.S.C. § 506(a), is granted. \$0.00 of GMAC Mortgage's claim secured by the second deed of trust on real property located at 801 Stoneridge Circle, Fairfield, 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 \$328,000.00 on the date of the petition. The Property is encumbered by a first deed of trust held by First Horizon Home Loans with a balance of approximately \$162,889.51. 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.

157. [08-29391](#)-B-13J KAN/ANNA LOUIE
PGM #2
- HEARING - MOTION
TO SELL REAL PROPERTY
7-17-09 [[32](#)]

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

158. [05-25792](#)-B-13J KILOLO UMI
DPC #1
- HEARING - DEBTOR'S
MOTION TO CONFIRM FIRST
MODIFIED CHAPTER 13 PLAN
6-29-09 [[22](#)]

Tentative Ruling: Due to the number of matters on this morning's three related calendars (203 matters), the court issues the following abbreviated tentative ruling.

The trustee's objection is sustained, and the motion to confirm the plan filed June 29, 2009 is denied.

The court will issue a minute order.

159. [09-26292](#)-B-13J CANDACE HOLLOMON
PGM #1

HEARING - MOTION
TO CONFIRM DEBTOR'S
FIRST AMENDED PLAN
6-15-09 [[23](#)]

WITHDRAWN BY M.P.

Disposition Without Oral Argument: This matter was withdrawn by the moving party on July 21, 2009 and is removed from the calendar.

160. [09-26292](#)-B-13J CANDACE HOLLOMON
PGM #1

HEARING - TRUSTEE'S
COUNTER MOTION TO
CONDITIONALLY DISMISS CASE
7-20-09 [[32](#)]

Tentative Ruling: The counter motion is denied.

The countermotion is moot. On July 21, 2009, the debtor filed an amended plan and motion to confirm.

The court will issue a minute order.

161. [09-27292](#)-B-13J RICHARD JACKSON
JT #1

HEARING - MOTION TO
VALUE COLLATERAL OF THE
GOLDEN 1 CREDIT UNION
7-7-09 [[25](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the number of matters on this morning's three related calendars (203 matters), the court issues the following abbreviated ruling.

The motion to value collateral pursuant to Fed. R. Bankr. P. 3012 and 11 U.S.C. § 506(a), is granted. \$0.00 of Golden One Credit Union's claim secured by the second deed of trust on real property located at 7340 Farm Dale Way, Sacramento, CA 95831 ("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 \$240,000.00 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 \$328,803.66. Thus, the value of the collateral available to Golden One Credit Union on its second deed of trust is \$0.00.

The court will issue a minute order.

162. [09-31794](#)-B-13J JERRY/BRENDA COLIPAPA
DAS #1
HEARING - MOTION
TO VALUE COLLATERAL OF
EMC MORTGAGE CORPORATION
6-10-09 [[6](#)]

Disposition Without Oral Argument: This matter was withdrawn by the moving party on July 27, 2009 and is removed from the calendar.

163. [08-33095](#)-B-13J AZHAR ALAM
WW #1
HEARING - MOTION FOR
AUTHORIZATION TO ENTER
LOAN MODIFICATION
7-15-09 [[38](#)]

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.

164. [08-29296](#)-B-13J JESSE RAZO
BHS #1
HEARING - MOTION
FOR FIRST MODIFICATION OF
CHAPTER 13 PLAN
6-18-09 [[26](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the number of matters on this morning's three related calendars (203 matters), the court issues the following abbreviated ruling.

The motion is granted, and the modified plan filed June 18, 2009 is confirmed.

The court will issue a minute order.

165. [09-22897](#)-B-13J SCOTT CUNNINGHAM
WSS #3
HEARING - MOTION FOR
CONFIRMATION OF AMENDED PLAN
6-24-09 [[43](#)]

Tentative Ruling: Due to the number of matters on this morning's three related calendars (203 matters), the court issues the following abbreviated tentative ruling.

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

The court will issue a minute order.

166. [09-22897](#)-B-13J SCOTT CUNNINGHAM
WSS #3

HEARING - TRUSTEE'S
COUNTER MOTION TO
CONDITIONALLY DISMISS CASE
7-21-09 [[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 (203 matters), the court issues the following abbreviated tentative ruling.

The countermotion is conditionally denied, the conditions being that on or before August 18, 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.

167. [09-24497](#)-B-13J JOHN/CYNTHIA HESTER
SAK #1

HEARING - MOTION
TO VALUE COLLATERAL OF
AMERICAN GENERAL FINANCE
7-6-09 [[23](#)]

Tentative Ruling: Due to the number of matters on this morning's three related calendars (203 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. \$250.00 of American General Finance's claim secured by an above-the-ground pool ("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 replacement value of \$250.00 on the date of the petition.

The court will issue a minute order.

168. [09-24497](#)-B-13J JOHN/CYNTHIA HESTER
SAK #2

HEARING - MOTION
TO VALUE COLLATERAL OF
GREEN TREE
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 (203 matters), the court issues the following abbreviated ruling.

The motion to value collateral pursuant to Fed. R. Bankr. P. 3012 and 11 U.S.C. § 506(a), is granted. \$0.00 of Green Tree's claim secured by the second deed of trust on real property located at 3313 Saint Matthews

Drive, 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 \$260,000.00 on the date of the petition. The Property is encumbered by a first deed of trust held by Washington Mutual with a balance of approximately \$354,464.00. Thus, the value of the collateral available to Golden One Credit Union on its second deed of trust is \$0.00.

The court will issue a minute order.

169. [09-28297](#)-B-13J ALFRED VALDERRAMA
SAC #1

HEARING - MOTION
TO VALUE COLLATERAL OF
WELLS FARGO
6-24-09 [[22](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the number of matters on this morning's three related calendars (203 matters), the court issues the following abbreviated ruling.

The motion to value collateral pursuant to Fed. R. Bankr. P. 3012 and 11 U.S.C. § 506(a), is granted. \$0.00 of Wells Fargo's claim secured by the second deed of trust on real property located at 5620 Bridgecross Drive, 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 \$200,500.00 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 \$292,972.00. 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.

170. [07-26398](#)-B-13J MICHAEL/SHERI GENT
CJY #1

HEARING - DEBTORS'
MOTION TO CONFIRM FIRST
MODIFIED CHAPTER 13 PLAN
6-23-09 [[34](#)]

Tentative Ruling: None. The parties shall be prepared to discuss at the hearing a discovery and evidentiary hearing schedule.

171. [08-39298](#)-B-13J JAMES O'KEEFE
SAC #1

HEARING - MOTION
TO CONFIRM FIRST AMENDED
CHAPTER 13 PLAN
6-16-09 [[53](#)]

Tentative Ruling: This motion is unopposed. Due to the number of matters on this morning's three related calendars (203 matters), the court issues the following abbreviated tentative ruling.

The motion is granted, and the amended plan filed June 16, 2009 will be confirmed with the following modification in the order confirming the plan: all attorneys fees in excess of \$5,00.00 require court approval under In re Pedersen, 229 B.R. 445 (Bankr. E.D. Cal. 1999).

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.

172. [06-25399](#)-B-13J ALBERT/BUNGORN SCOTT
DLM #2

HEARING - MOTION FOR
ENTRY OF CHAPTER 13 DISCHARGE
7-3-09 [[25](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the number of matters on this morning's three related calendars (203 matters), the court issues the following abbreviated ruling.

The motion is granted. Pursuant to 11 U.S.C. § 1328(a), the court grants the debtor a discharge of all debts provided for by the plan or disallowed under 11 U.S.C. § 502 except any debt described in 11 U.S.C. § 1328(a)(1), (a)(2), (a)(3), or (a)(4).

Through this motion, debtor alleges without dispute that she is entitled to entry of her discharge pursuant to 11 U.S.C. § 1328(a). The order approving final report and discharging the trustee was entered on June 23, 2009. (Dkt. 24). The entry of an order approving the final report signals to the court that it is appropriate both to discharge the debtor and close the estate because it has been fully administered. See In re Avery, 272 B.R. 718, 729 (Bankr. E.D. Cal. 2002). The court finds that debtor is entitled to a discharge under 11 U.S.C. § 1328(a).

The court will issue a minute order.