

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Thomas C. Holman
Bankruptcy Judge
Sacramento, California

August 11, 2009 at 9:31 A.M.

1. [09-34103](#)-B-7 KEITH/CHRISTINE MEDEIROS HEARING - MOTION FOR
WGM #1 RELIEF FROM AUTOMATIC STAY
ONE WEST BANK, FSB, VS. ON REAL PROPERTY
7-27-09 [[7](#)]

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

2. [09-23804](#)-B-7 ENOCH DUPLÉCHAN HEARING - MOTION FOR
KAT #1 RELIEF FROM AUTOMATIC STAY
DEUTSCHE BANK NATIONAL TRUST COMPANY, VS. 7-16-09 [[54](#)]

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.

3. [09-23804](#)-B-7 ENOCHE DUPLÉCHAN HEARING - MOTION FOR
PD #1 RELIEF FROM AUTOMATIC STAY
U.S. BANK N.A., VS. 7-21-09 [[60](#)]

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.

4. [09-23804](#)-B-7 ENOCH DUPLÉCHAN HEARING - MOTION FOR
WGM #2 RELIEF FROM AUTOMATIC STAY
DEUTSCHE BANK NATIONAL TRUST CO., VS. ON REAL PROPERTY
7-11-09 [[48](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the number of matters on this morning's three related calendars (96 matters), the court issues the following abbreviated ruling.

The motion is granted in part. The automatic stay is modified as against

the estate and the debtor pursuant to 11 U.S.C. § 362 (d) (1) and (d) (2) in order to permit the movant to foreclose on the real property located at 5860 Wallace Avenue, Sacramento, CA 95824 (APN 027-0241-010) ("Property") and to obtain possession of the Property following the sale, all in accordance with applicable non-bankruptcy law. The court awards no fees and costs. The 10-day stay of Fed.R.Bankr.P. 4001(a) (3) is waived. Except as so ordered, the motion is denied.

Movant alleges without dispute that debtor has failed to make twenty-three (23) mortgage payments. Movant further alleges without dispute that there is no equity in the Property, and the Property is not necessary to an effective reorganization or rehabilitation in this chapter 7 case.

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

The court will issue a minute order.

5. [09-31604](#)-B-7 RICHARD/JEANETTE RANGEL HEARING - MOTION FOR
KAT #1 RELIEF FROM AUTOMATIC STAY
AURORA LOAN SERVICES, LLC, VS. 7-16-09 [[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.

6. [09-32704](#)-B-7 TIMOTHY/ELIZABETH DEVENCENZI HEARING - MOTION FOR
WGM #1 RELIEF FROM AUTOMATIC STAY
BAC HOME LOANS SERVICING, VS. ON REAL PROPERTY
7-21-09 [[9](#)]

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

7. [09-30007](#)-B-7 TRAYCINA SEUELL HEARING - MOTION FOR
JMS #1 RELIEF FROM AUTOMATIC STAY
CHASE HOME FINANCE, LLC, VS. 6-30-09 [[14](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the number of matters on this morning's three related calendars (96 matters), the court issues the following abbreviated ruling.

The motion is granted in part. The automatic stay is modified as against the estate and the debtor pursuant to 11 U.S.C. § 362 (d) (1) and (d) (2) in order to permit the movant to foreclose on the real property located at 6358 Laguna Mirage Lane, Elk Grove, CA 95758 (APN 119-1620-034-0000) ("Property") and to obtain possession of the Property following the

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

Movant alleges without dispute that debtor has failed to make nine (9) mortgage payments. Movant further alleges without dispute that there is no equity in the Property, and the Property is not necessary to an effective reorganization or rehabilitation in this chapter 7 case.

The court will issue a minute order.

8. [08-24308](#)-B-7 IRENE HOLLENSTEINER HEARING - MOTION FOR
KAT #1 RELIEF FROM AUTOMATIC STAY
7-28-09 [[31](#)]

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.

9. [09-33512](#)-B-7 GERALDINE CURTIS HEARING - MOTION FOR
KAT #1 RELIEF FROM AUTOMATIC STAY
JPMORGAN CHASE BANK N.A., VS. 7-23-09 [[7](#)]

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

10. [09-33513](#)-B-7 ALEKSANDR/LYUBOV ROMANOVICH HEARING - MOTION FOR
WGM #1 RELIEF FROM AUTOMATIC STAY
JP MORGAN CHASE BANK, N.A., VS. ON REAL PROPERTY
7-24-09 [[7](#)]

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

11. [09-34617](#)-B-7 DAVID/STEFANIE SHERLOCK HEARING - MOTION FOR
ND #1 RELIEF FROM AUTOMATIC STAY
ONEWEST BANK, FSB, VS. ON REAL PROPERTY
7-27-09 [[7](#)]

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

12. [09-30522](#)-B-7 ANDREW/TAYA DRESSLER
MBB #1
UNITED AUTO CREDIT CORP., VS.

CONT. HEARING - MOTION FOR
RELIEF FROM AUTOMATIC STAY
6-24-09 [[11](#)]

CONT. FROM 7-28-09

Tentative Ruling: This matter continued from July 28, 2009 at 9:31 a.m. without a briefing schedule. Nothing further has been filed in this matter. Because the debtors are in pro se and because of the number of matters on this morning's three related calendars (96 matters), the court issues the following abbreviated tentative ruling.

The motion is denied as moot. The automatic stay terminated as to the collateral, a 2002 Jeep Liberty (VIN 1J4GL4SKX2W269541) (the "Collateral"), at 12:01 a.m. on August 4, 2009, by operation of 11 U.S.C. § 362(h), and the Collateral has from that date no longer been property of the estate.

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

The court will issue a minute order.

13. [09-28023](#)-B-7 MARIA TINOCO
PD #1
NATIONAL CITY MORTGAGE CO., VS.

HEARING - MOTION FOR
RELIEF FROM AUTOMATIC STAY
7-8-09 [[14](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the number of matters on this morning's three related calendars (96 matters), the court issues the following abbreviated ruling.

The motion is granted in part. The automatic stay is modified as against the estate and the debtor pursuant to 11 U.S.C. § 362 (d)(1) and (d)(2) in order to permit the movant to foreclose on the real property located at 8640 Banton Circle, Elk Grove, CA 95624 (APN 121-0850-062-0000) ("Property") and to obtain possession of the Property following the sale, all in accordance with applicable non-bankruptcy law. The court awards no fees and costs. The 10-day period specified in Fed. R. Bankr. P. 4001(a)(3) is not waived. Except as so ordered, the motion is denied.

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

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

The court will issue a minute order.

14. [09-30723](#)-B-7 RAFAEL/MARIA ESPINOZA
EAT #1
BANK OF AMERICA, N.A., VS.

HEARING - MOTION FOR
RELIEF FROM AUTOMATIC STAY
7-1-09 [[12](#)]

Tentative Ruling: This is a properly filed motion under LBR 9014-1(f)(1). Because the debtor is in pro se and because of the number of matters on this morning's three related calendars (96 matters), the court issues the following abbreviated tentative ruling.

The motion is granted in part. The automatic stay is modified as against the estate and the debtors pursuant to 11 U.S.C. § 362 (d)(1) and (d)(2) in order to permit the movant to foreclose on the real property located at 1704 Twisted River Drive, Marysville, CA 95901 (APN 019-381-011-0-00) ("Property") and to obtain possession of the Property following the sale, all in accordance with applicable non-bankruptcy law. The 10-day period specified in Fed. R. Bankr. P. 4001(a)(3) is not waived. Except as so ordered, the motion is denied.

Movant alleges without dispute that debtors have failed to make sixteen (16) mortgage payments. Movant further alleges without dispute that there is no equity in the Property, and the Property is not necessary to an effective reorganization or rehabilitation in this chapter 7 case. The trustee has filed a report of no distribution.

The court will issue a minute order.

15. [09-31923](#)-B-7 CAROLYN ANDREWS
ND #1
ONEWEST BANK, FSB, VS.

HEARING - MOTION FOR
RELIEF FROM AUTOMATIC STAY
ON REAL PROPERTY
7-20-09 [[13](#)]

Tentative Ruling: This is a properly filed motion under LBR 9014-1(f)(2). Because of the number of matters on this morning's three related calendars (96 matters), the court issues the following abbreviated tentative ruling.

The motion is granted in part. The automatic stay is modified as against the estate and the debtor pursuant to 11 U.S.C. § 362 (d)(1) and (d)(2) in order to permit the movant to foreclose on the real property located at 1579 Southside Road, Sutherlin, OR 97479 (APN 25-5-16D-2000) ("Property") and to obtain possession of the Property following the sale, all in accordance with applicable non-bankruptcy law. The court awards no fees and costs. The 10-day period specified in Fed. R. Bankr. P. 4001(a)(3) is waived. Except as so ordered, the motion is denied.

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

Because the movant has not established that the value of its collateral

exceeds the amount of its claim, the court awards no fees and costs. 11 U.S.C. § 506(b).

The court will issue a minute order.

16. [09-28428](#)-B-7 JAMES DEMERIN HEARING - MOTION FOR
MDE #2 RELIEF FROM AUTOMATIC STAY
DEUTSCHE BANK NATIONAL TRUST COMPANY, VS. 7-14-09 [[41](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the number of matters on this morning's three related calendars (96 matters), the court issues the following abbreviated ruling.

The motion is granted in part. As against the estate and the debtor, the automatic stay is modified pursuant to 11 U.S.C. § 362(d)(1) in order to permit the movant to obtain possession of real property located at 644 Tennessee Street, Vallejo, CA 94590 (APN 0056-052-160) (the "Property") in accordance with applicable nonbankruptcy law. The 10-day stay of Fed. R. Bankr. P. 4001(a)(3) is not waived. Except as so ordered, the motion is denied.

Cause for modification of the automatic stay exists because neither the estate nor the debtor has any interest in the Property, other than a bare possessory interest. In addition, neither the estate nor the debtor has any equity in the Property, and it is not necessary for an effective reorganization in this chapter 7 case.

The court will issue a minute order.

17. [09-29128](#)-B-7 DAVID/DAWNE BAAS HEARING - MOTION FOR
MKB #1 RELIEF FROM AUTOMATIC STAY
WELLS FARGO BANK, N.A., VS. 7-20-09 [[21](#)]

Tentative Ruling: This is a properly filed motion under LBR 9014-1(f)(1). Because of the number of matters on this morning's three related calendars (96 matters), the court issues the following abbreviated tentative ruling.

The motion is denied as moot. The automatic stay terminated as to the collateral, a 2005 Yamaha AR-230 Boat (VIN YAMCT351D505), 2005 Yamaha MR1 Engine (VIN 1002527), and 2005 MF1 Tandem AXL Trailer (VIN 4J2CDTU2551083023) (the "Collateral"), at 12:01 a.m. on August 4, 2009, by operation of 11 U.S.C. § 362(h), and the Collateral has from that date no longer been property of the estate.

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

The court will issue a minute order.

18. [09-28930](#)-B-7 SUSAN ARCHER
RCO #1
GMAC MORTGAGE, LLC, VS.

HEARING - MOTION FOR
RELIEF FROM AUTOMATIC STAY
7-9-09 [[39](#)]

Tentative Ruling: This is a properly filed motion under LBR 9014-1(f)(2). Opposition may be presented at the hearing. However, because debtors have filed a statement of intent to surrender the Property and because of the number of matters on this morning's three related calendars (96 matters), the court issues the following abbreviated ruling.

The motion is granted in part. The automatic stay is modified as against the estate and the debtor pursuant to 11 U.S.C. § 362 (d)(1) and (d)(2) in order to permit the movant to foreclose on the real property located at 2622/2624 Bravado Drive, Rancho Cordova, CA 95670 (APN 075-0054-006-0000) ("Property") and to obtain possession of the Property following the sale, all in accordance with applicable non-bankruptcy law. The court awards no fees and costs. The 10-day period specified in Fed. R. Bankr. P. 4001(a)(3) is waived. Except as so ordered, the motion is denied.

Movant alleges without dispute that debtor has failed to make six (6) mortgage payments. Movant further alleges without dispute that there is no equity in the Property, and the Property is not necessary to an effective reorganization or rehabilitation in this chapter 7 case.

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

The court will issue a minute order.

19. [09-26533](#)-B-7 RICHARD FRYE
KAT #1
DEUTSCHE BANK NATIONAL
TRUST COMPANY, VS.

HEARING - MOTION FOR
RELIEF FROM AUTOMATIC STAY
7-17-09 [[15](#)]

DISCHARGED 7-15-09

Tentative Ruling: This is a properly filed motion under LBR 9014-1(f)(2). Opposition may be presented at the hearing. However, because debtors have filed a statement of intent to surrender the Property and because of the number of matters on this morning's three related calendars (96 matters), the court issues the following abbreviated ruling.

The motion is granted in part and denied as moot in part. As to the debtor, the motion is denied as moot. The debtor received a discharge on July 15, 2009, and the automatic stay as to the debtor ended on that date. 11 U.S.C. § 362(c)(2)(C). As to the estate, the automatic stay is modified pursuant to 11 U.S.C. § 362 (d)(1) and (d)(2) in order to permit the movant to foreclose on the real property located at 16 Somer Ridge

Drive, Roseville, CA 95661 (APN 471-020-026-000) ("Property") and to obtain possession of the Property following the sale, all in accordance with applicable non-bankruptcy law. The 10-day period specified in Fed. R. Bankr. P. 4001(a)(3) is waived. Except as so ordered, the motion is denied.

Movant alleges without dispute that debtor has failed to make twelve (12) mortgage payments. Movant further alleges without dispute that there is no equity in the Property, and the Property is not necessary to an effective reorganization or rehabilitation in this chapter 7 case.

The court will issue a minute order.

20. [09-32833](#)-B-7 DEBRA BOOTHE HEARING - MOTION FOR
KAT #1 RELIEF FROM AUTOMATIC STAY
AURORA LOAN SERVICES, LLC, VS. 7-16-09 [[10](#)]

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

21. [09-29834](#)-B-7 VICTOR/MARIA ALATORRE HEARING - MOTION FOR
KAT #1 RELIEF FROM AUTOMATIC STAY
U.S. BANK, NA, VS. 7-23-09 [[14](#)]

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

22. [09-30734](#)-B-7 MICHAEL/ESTRELLITA BANCI HEARING - MOTION FOR
WGM #1 RELIEF FROM AUTOMATIC STAY
ING BANK, FSB, VS. ON REAL PROPERTY
7-15-09 [[17](#)]

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

23. [09-32735](#)-B-7 MICHAEL/MELISSA EAKER HEARING - MOTION FOR
ND #1 RELIEF FROM AUTOMATIC STAY
ONEWEST BANK, FSB, VS. ON REAL PROPERTY
7-20-09 [[8](#)]

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

24. [09-31839](#)-B-7 CIRILO/ROSA AVILES HEARING - MOTION FOR
KAT #1 RELIEF FROM AUTOMATIC STAY
AURORA LOAN SERVICES, LLC, VS. 7-15-09 [[10](#)]

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

25. [09-31740](#)-B-7 JOAN MARIE HEARING - MOTION FOR
PD #1 RELIEF FROM AUTOMATIC STAY
WELLS FARGO BANK, N.A., VS. 7-2-09 [[9](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the number of matters on this morning's three related calendars (96 matters), the court issues the following abbreviated ruling.

The motion is granted in part. The automatic stay is modified as against the estate and the debtor pursuant to 11 U.S.C. § 362 (d)(1) and (d)(2) in order to permit the movant to foreclose on the real property located at 5600 Hesper Way, Carmichael, CA 95608 (APN 232-0294-009) ("Property") and to obtain possession of the Property following the sale, all in accordance with applicable non-bankruptcy law. The court awards no fees and costs. The 10-day period specified in Fed. R. Bankr. P. 4001(a)(3) is not waived. Except as so ordered, the motion is denied.

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

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

The court will issue a minute order.

26. [09-25141](#)-B-7 MITZI HARRISON HEARING - MOTION FOR
KAT #1 RELIEF FROM AUTOMATIC STAY
FIRST HORIZON HOME 7-14-09 [[30](#)]
LOANS, VS.

DISCHARGED 6-22-09

Tentative Ruling: This is a properly filed motion under LBR 9014-1(f)(2). Opposition may be presented at the hearing. Because the debtor has filed a statement of intention to surrender the Collateral and because of the number of matters on this morning's three related calendars (96 matters), the court issues the following abbreviated tentative ruling.

The motion is granted in part and denied as moot in part. As to the debtor, the motion is denied as moot. The debtor received a discharge on June 22, 2009, and the automatic stay as to the debtor ended on that date. 11 U.S.C. § 362(c)(2)(C). As to the estate, the automatic stay is modified pursuant to 11 U.S.C. § 362(d)(1) and (d)(2) in order to permit the movant to foreclose on the real property located at 2738 Highway 241, Afton, WY 83110 (APN 1231181830003900) ("Property") and to obtain possession of the Property following the sale, all in accordance with applicable non-bankruptcy law. The 10-day period specified in Fed. R. Bankr. P. 4001(a)(3) is waived. Except as so ordered, the motion is denied.

Movant alleges without dispute that debtor has failed to make six (6) mortgage payments. Movant further alleges without dispute that there is no equity in the Property, and the Property is not necessary to an effective reorganization or rehabilitation in this chapter 7 case.

The court will issue a minute order.

27. [09-29545](#)-B-7 BRENDAN/VANESSA FINDLAY HEARING - MOTION FOR
PD #1 RELIEF FROM AUTOMATIC STAY
WELLS FARGO BANK, N.A., VS. 7-6-09 [[14](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the number of matters on this morning's three related calendars (96 matters), the court issues the following abbreviated ruling.

The motion is granted in part. The automatic stay is modified as against the estate and the debtor pursuant to 11 U.S.C. § 362(d)(1) and (d)(2) in order to permit the movant to foreclose on the real property located at 141 Chesterfield Way, Folsom, CA 95630 (APN 071-0780-034-0000) ("Property") and to obtain possession of the Property following the sale, all in accordance with applicable non-bankruptcy law. The court awards no fees and costs. The 10-day period specified in Fed. R. Bankr. P. 4001(a)(3) is not waived. Except as so ordered, the motion is denied.

Movant alleges without dispute that debtor has failed to make three (3) mortgage payments. Movant further alleges without dispute that there is no equity in the Property, and the Property is not necessary to an effective reorganization or rehabilitation in this chapter 7 case. The trustee has filed a report of no distribution.

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

The court will issue a minute order.

28. [09-30746](#)-B-7 ROMEO/LORENA CASTELLANOS HEARING - MOTION FOR
KAT #1 RELIEF FROM AUTOMATIC STAY
AURORA LOAN SERVICES, LLC, VS. 7-22-09 [[15](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the number of matters on this morning's three related calendars (96 matters), the court issues the following abbreviated ruling.

The motion is granted in part. The automatic stay is modified as against the estate and the debtors pursuant to 11 U.S.C. § 362 (d) (1) and (d) (2) in order to permit the movant to foreclose on the real property located at 321 Lighthouse Drive, Vallejo, CA 94590 (APN 0094-661-430) ("Property") and to obtain possession of the Property following the sale, all in accordance with applicable non-bankruptcy law. The 10-day period specified in Fed. R. Bankr. P. 4001(a) (3) is not waived. Except as so ordered, the motion is denied.

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

The court will issue a minute order.

29. [09-30548](#)-B-11 CYNTHIA SHERIDAN CONT. HEARING - MOTION FOR
ARM #1 RELIEF FROM AUTOMATIC STAY
TNT INVESTMENTS, INC., VS. 6-26-09 [[22](#)]

CONT. FROM 7-28-09,7-14-09

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 motion is denied without prejudice.

Debtor asserts that movant has failed to carry its burden of showing a lack of equity under 11 U.S.C. § 362(d) (2). Furthermore, debtor maintains that the real property at issue in this case is necessary to an effective reorganization. A secured creditor seeking relief from an automatic stay need only prove that the debtor lacks equity in the property at issue pursuant to 11 U.S.C. § 362(g) (1). The burden of proof is on the party opposing the relief from stay to prove that the property is necessary to an effective reorganization. 11 U.S.C. § 362(g) (2). Movant alleges debt of at least \$632,753.70 and debtor schedules her 50% interest in real property located at 9980 North Lake Boulevard, Kings Beach, CA at \$280,000.00 and her 50% interest in 2 North Lake Blvd., Crystal Bay, NV at \$70,000.00. Her 50% interests are valued in the aggregate at \$350,000, meaning that the total value of the two parcels is therefore scheduled at \$700,000. The \$620,000 figure provided by movant

is apparently a misreading of Schedule D. The \$620,000 figure is the amount of movant's claim, as scheduled by the debtor. Movant has not demonstrated lack of equity, so it is not necessary for the debtor to show a reasonable possibility of a successful reorganization within a reasonable time.

Movant has also failed to show cause for relief from the automatic stay pursuant to 11 U.S.C. § 362(d)(1). This matter was continued from July 28, 2009 with interim adequate protection. Debtor was required to provide proof of insurance that complied with the parties' contract by July 31, 2009, failing which movant could submit a declaration and order granting relief from the automatic stay. No declaration was filed. Thus, the court infers that proof of insurance was provided. Failure to make contractual payments is not, standing alone, cause for relief from the automatic stay in a chapter 11 case.

The court will issue a minute order.

30. [09-28249](#)-B-7 SANTOS ENCISO
PD #1
THE BANK OF NEW YORK
MELLON, VS.

HEARING - MOTION FOR
RELIEF FROM AUTOMATIC STAY
7-8-09 [[20](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the number of matters on this morning's three related calendars (96 matters), the court issues the following abbreviated ruling.

The motion is granted in part and denied as moot in part. As to the debtor, the motion is denied as moot. The debtor received a discharge on August 6, 2009, and the automatic stay as to the debtor ended on that date. 11 U.S.C. § 362(c)(2)(C). As to the estate, the automatic stay is modified pursuant to 11 U.S.C. § 362(d)(1) and (d)(2) in order to permit the movant to foreclose on the real property located at 2024 South Grant Street, Stockton, CA 95206 (APN 167-210-09) ("Property") and to obtain possession of the Property following the sale, all in accordance with applicable non-bankruptcy law. There is no fees and costs. The 10-day period specified in Fed. R. Bankr. P. 4001(a)(3) is waived. Except as so ordered, the motion is denied.

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

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

The court will issue a minute order.

31. [09-26950](#)-B-7 VICTOR/JENNY AGUIRRE HEARING - MOTION FOR
PD #1 RELIEF FROM AUTOMATIC STAY
AURORA LOAN SERVICES LLC, VS. 7-15-09 [[13](#)]

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

This matter is continued to August 25, 2009 at 9:31 a.m. On or before August 11, 2009, the date of this hearing, the movant shall serve a copy of the motion, its supporting papers, and notice of the continued hearing on all parties in interest. The movant shall also file the notice with the court. Proof of service shall be filed within three court days thereafter. LBR 9014-1(e)(2). If the movant fails to do any of the foregoing the motion will be denied without prejudice for improper service.

The movant did not file a service list with its certificate of service.

The movant's use of the procedure under LBR 9014-1(f)(2) in setting this matter for hearing constitutes a waiver of the time limitations contained in 11 U.S.C. § 362(e). LBR 9014-1(f)(2)(ii).

The court will issue a minute order.

32. [09-26751](#)-B-7 MARTIN/MARTHA LEON HEARING - MOTION FOR
PD #1 RELIEF FROM AUTOMATIC STAY
BANK OF AMERICA, N.A., VS. 7-24-09 [[14](#)]

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.

33. [09-27853](#)-B-7 JAMES/MICHELLE EWING HEARING - MOTION FOR
LAZ #1 RELIEF FROM AUTOMATIC STAY
MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., VS. 7-27-09 [[28](#)]

Tentative Ruling: This is a properly filed motion under LBR 9014-1(f)(2). Opposition may be presented at the hearing. Because the debtors have filed a statement of intent to surrender the Property and because of the size of this morning's three related calendars (96 matters), the court issues the following abbreviated tentative ruling.

The motion is granted in part and denied as moot in part. As to the debtors, the motion is denied as moot. The debtors received their discharge on July 30, 2009, and the automatic stay as to the debtors ended on that date. 11 U.S.C. § 362(c)(2)(C). As to the estate, the automatic stay is modified pursuant to 11 U.S.C. § 362(d)(1) and (d)(2) in order to permit the movant to foreclose on the real property located at 487 Hatheway Court, Mountain House, California (APN 254-070-21)

("Property") and to obtain possession of the Property following the sale, all in accordance with applicable non-bankruptcy law. The 10-day period specified in Fed. R. Bankr. P. 4001(a)(3) is waived. Except as so ordered, the motion is denied.

Movant alleges without dispute that debtors have failed to make eighteen (18) mortgage payments. Movant further alleges without dispute that there is no equity in the Property and the Property is not necessary to an effective reorganization or rehabilitation in this chapter 7 case. Debtors have filed a statement of intent to surrender the Property. The trustee has filed a report of no distribution.

The court will issue a minute order.

34. [09-28553](#)-B-7 PAMELA DIXON HEARING - MOTION FOR
RFM #1 RELIEF FROM AUTOMATIC STAY
KEYBANK USA, N.A., VS. 7-24-09 [25]

Tentative Ruling: This is a properly filed motion under LBR 9014-1(f)(2). Opposition may be presented at the hearing. In this instance and due to the size of this morning's three related calendars (96 matters), the court issues the following abbreviated tentative ruling.

The motion is denied as moot. The automatic stay terminated as to the collateral, a 2004 Sea Ray 320 Sundancer Boat (No. SERT32081304) (the "Collateral"), at 12:01 a.m. on July 11, 2009, by operation of 11 U.S.C. § 362(h), and the Collateral has from that date no longer been property of the estate.

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

The court will issue a minute order.

35. [09-33454](#)-B-7 VICTOR/MARICELA ROSAS HEARING - MOTION FOR
PD #1 RELIEF FROM AUTOMATIC STAY
WALLS FARGO BANK, N.A., VS. 7-28-09 [10]

Tentative Ruling: This is a properly filed motion under LBR 9014-1(f)(2). Opposition may be presented at the hearing. Because the debtors have filed a statement of intent to surrender the Property and because of the size of this morning's three related calendars (96 matters), the court issues the following abbreviated tentative ruling.

The motion is granted in part. The automatic stay is modified as against the estate and the debtors pursuant to 11 U.S.C. § 362(d)(1) and (d)(2) in order to permit the movant to foreclose on the real property located at 251 Mulberry Circle, Lodi, CA 95240 (APN 062-270-24) ("Property") and to obtain possession of the Property following the sale, all in accordance with applicable non-bankruptcy law. The court awards no fees and costs. The 10-day period specified in Fed. R. Bankr. P. 4001(a)(3)

is not waived. Except as so ordered, the motion is denied.

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

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

The court will issue a minute order.

36. [09-29360](#)-B-7 WILLIAM AUCHY AND HEARING - MOTION FOR
WGM #1 JACKLYN TANNER RELIEF FROM AUTOMATIC STAY
JPMORGAN CHASE BANK, NA, VS. ON REAL PROPERTY
7-23-09 [[27](#)]

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

This matter is continued to the court's calendar on August 25, 2009 at 9:31 a.m.

This motion was initially set on this calendar. Movant attempted to continue the matter unilaterally from this calendar to the court's August 25, 2009, 9:31 am calendar. Continuances must be approved by the court. LBR 9014-1(j). Simply filing an amended notice of hearing is ineffective. However, in this instance, the court construes the amended notice of hearing as a request for court approval of the continuance and grants the request to continue this matter to the court's August 25, 2009, 9:31 am calendar.

The court will issue a minute order.

37. [09-33261](#)-B-7 WAYNE/CLAUDIA DYSARD HEARING - MOTION FOR
MDE #1 RELIEF FROM AUTOMATIC STAY
LITTON LOAN SERVICING, LP, VS. 7-17-09 [[9](#)]

RESCHEDULED TO 8-25-09

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

This matter is continued to the court's calendar on August 25, 2009 at 9:31 a.m.

This motion was initially set on this calendar. Movant attempted to continue the matter unilaterally from this calendar to the court's August 25, 2009, 9:31 am calendar. (Dkt. 15). Continuances must be approved by the court. LBR 9014-1(j). Simply filing an amended notice of hearing is ineffective. However, in this instance, the court construes the amended

notice of hearing as a request for court approval of the continuance and grants the request to continue this matter to the court's August 25, 2009, 9:31 am calendar.

The court will issue a minute order.

38. [09-31862](#)-B-7 JONATHAN RAZON HEARING - MOTION FOR
PD #1 RELIEF FROM AUTOMATIC STAY
WELLS FARGO BANK, N.A., VS. 7-6-09 [[10](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the size of this morning's three related calendars (96 matters), the court issues the following abbreviated ruling.

The motion is granted in part. The automatic stay is modified as against the estate and the debtor pursuant to 11 U.S.C. § 362 (d)(1) and (d)(2) in order to permit the movant to foreclose on the real property located at 421 Ladera Drive, Vallejo, CA 94591 (APN 0074-271-090) ("Property") and to obtain possession of the Property following the sale, all in accordance with applicable non-bankruptcy law. The court awards no fees and costs. The 10-day period specified in Fed. R. Bankr. P. 4001(a)(3) is not waived. Except as so ordered, the motion is denied.

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

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

The court will issue a minute order.

39. [09-32663](#)-B-7 RICHARD AVILA HEARING - MOTION FOR
KAT #1 RELIEF FROM AUTOMATIC STAY
JPMORGAN CHASE BANK N.A., VS. 7-17-09 [[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.

40. [09-29967](#)-B-7 GENE/ROBIN ACKERMAN HEARING - MOTION FOR
KAT #1 RELIEF FROM AUTOMATIC STAY
AURORA LOAN SERVICES, LLC, VS. 7-23-09 [[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.

41. [09-32568](#)-B-7 OLIVER/VALERIE OSTLANDER HEARING - MOTION FOR
WGM #1 RELIEF FROM AUTOMATIC STAY
JPMORGAN CHASE BANK, NA, VS. ON REAL PROPERTY
7-22-09 [[10](#)]

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

42. [09-30570](#)-B-7 ERMA ASH HEARING - MOTION FOR
PD #1 RELIEF FROM AUTOMATIC STAY
NATIONAL CITY MORTGAGE, VS. 7-1-09 [[13](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the size of this morning's three related calendars (96 matters), the court issues the following abbreviated ruling.

The motion is granted in part. The automatic stay is modified as against the estate and the debtor pursuant to 11 U.S.C. § 362 (d)(1) and (d)(2) in order to permit the movant to foreclose the first deed of trust on the real property located at 732 Acacia Avenue, Sacramento, CA 95815 (APN 263-0092-015-0000) ("Property") and to obtain possession of the Property following the sale, all in accordance with applicable non-bankruptcy law. The court awards no fees and costs. The 10-day period specified in Fed. R. Bankr. P. 4001(a)(3) is not waived. Except as so ordered, the motion is denied.

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

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

The court will issue a minute order.

43. [09-30570](#)-B-7 ERMA ASH HEARING - MOTION FOR
PD #2 RELIEF FROM AUTOMATIC STAY
NATIONAL CITY MORTGAGE, VS. 7-15-09 [[20](#)]

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

44. [09-31670](#)-B-7 JAMES/DEBRA JOHNSON HEARING - MOTION FOR
PD #1 RELIEF FROM AUTOMATIC STAY
U.S. BANK N.A., VS. 7-2-09 [8]

Disposition Without Oral Argument: This motion is unopposed. Due to the size of this morning's three related calendars (96 matters), the court issues the following abbreviated ruling.

The motion is granted in part. The automatic stay is modified as against the estate and the debtors pursuant to 11 U.S.C. § 362 (d) (1) and (d) (2) in order to permit the movant to foreclose on the real property located at 393 Powers, El Dorado Hills, CA 95762 (APN 107-394-01-100) ("Property") and to obtain possession of the Property following the sale, all in accordance with applicable non-bankruptcy law. The court awards attorneys fees equal to the lesser of \$675 or the amount actually billed plus costs of \$150. These fees and costs may be enforced only against the Property. The 10-day period specified in Fed. R. Bankr. P. 4001(a) (3) is not waived. Except as so ordered, the motion is denied.

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

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

The court will issue a minute order.

45. [09-23171](#)-B-7 DARRELL/WENDY HOUSTON HEARING - MOTION FOR
PD #1 RELIEF FROM AUTOMATIC STAY
DEUTSCHE BANK NATIONAL TRUST COMPANY, VS. 7-15-09 [34]

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

46. [09-23672](#)-B-7 IRENE ALMENDAREZ HEARING - MOTION FOR
PD #1 RELIEF FROM AUTOMATIC STAY
AURORA LOAN SERVICES, LLC, VS. 7-15-09 [33]

Tentative Ruling: This is a properly filed motion under LBR 9014-1(f) (2). Opposition may be presented at the hearing. Because the debtor has filed a statement of intent to surrender the Property and because of the size of this morning's three related calendars (96 matters), the court issues the following abbreviated tentative ruling.

The motion is granted in part. The automatic stay is modified as against the estate and the debtor pursuant to 11 U.S.C. § 362 (d) (1) and (d) (2) in order to permit the movant to foreclose on the real property located at 503 Ventura Court, Suisun City, CA 94585 (APN 0174-246-050) ("Property") and to obtain possession of the Property following the sale, all in accordance with applicable non-bankruptcy law. The court awards no fees and costs. The 10-day period specified in Fed. R. Bankr. P. 4001(a) (3) is not waived. Except as so ordered, the motion is denied.

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

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

The court will issue a minute order.

47. [09-21973](#)-B-7 KHAI/JENNIFER TRAN HEARING - MOTION FOR
WGM #1 RELIEF FROM AUTOMATIC STAY
JPMORGAN CHASE BANK, N.A., VS. ON REAL PROPERTY
7-24-09 [[30](#)]

DISCHARGED 6-1-09

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

48. [09-30174](#)-B-7 MARIA ZARAGOZA HEARING - MOTION FOR
PD #1 RELIEF FROM AUTOMATIC STAY
U.S. BANK N.A., VS. 7-2-09 [[17](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the size of this morning's three related calendars (96 matters), the court issues the following abbreviated ruling.

The motion is granted in part. The automatic stay is modified as against the estate and the debtor pursuant to 11 U.S.C. § 362 (d) (1) and (d) (2) in order to permit the movant to foreclose on the real property located at 3324 Corbin Way, Sacramento, CA 95827 (APN 068-0420-001) ("Property") and to obtain possession of the Property following the sale, all in accordance with applicable non-bankruptcy law. The court awards no fees and costs. The 10-day period specified in Fed. R. Bankr. P. 4001(a) (3) is not waived. Except as so ordered, the motion is denied.

Movant alleges without dispute that debtor has failed to make eleven (11) mortgage payments. Movant further alleges without dispute that there is

no equity in the Property and the Property is not necessary to an effective reorganization or rehabilitation in this chapter 7 case.

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

The court will issue a minute order.

49. [09-33376](#)-B-7 RYAN/EMILY FRANCIS HEARING - MOTION FOR
KAT #1 RELIEF FROM AUTOMATIC STAY
JPMORGAN CHASE BANK, VS. 7-17-09 [[7](#)]

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

50. [09-30380](#)-B-7 MOHAMMAD/AYSHA KHAN CONT. HEARING - MOTION FOR
JDL #1 RELIEF FROM AUTOMATIC STAY
DOWNEY SAVINGS AND 6-29-09 [[11](#)]
LOAN ASSOC., F.A., VS.

CONT. FROM 7-14-09

Tentative Ruling: This matter continued with a briefing schedule from July 14, 2009. Opposition was due by July 28, 2009. Replies, if any, were due by August 4, 2009. Debtor filed written opposition and a supporting declaration on July 23, 2009. Nothing further has been filed in this matter. In this instance and because of the size of this morning's three related calendars (96 matters), the court issues the following abbreviated ruling.

The motion is granted in part. The automatic stay is modified as against the estate and the debtors pursuant to 11 U.S.C. § 362 (d)(1) and (d)(2) in order to permit the movant to foreclose on the real property located at 3337 American River Drive, Sacramento, California (APN 293-0321-008) ("Property") and to obtain possession of the Property following the sale, all in accordance with applicable non-bankruptcy law. The 10-day period specified in Fed. R. Bankr. P. 4001(a)(3) is not waived. Except as so ordered, the motion is denied.

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

The debtors' opposition is not persuasive. The debtors state that they would like to continue residing in the Property and that they would like to negotiate a modification of the loan with the movant. Debtors' desire to continue to reside in the Property is insufficient to show that movant is not entitled to relief from the automatic stay under 11 U.S.C. §

362(d)(1) and/or (d)(2). As to the debtors' desire to obtain a modification of the loan, the court cannot compel the movant to modify the terms of the note or deed of trust under currently existing law; however, nothing in this ruling prevents the movant from entering into a loan modification. The ruling only grants relief to foreclose "in accordance with applicable non-bankruptcy law." If Cal. Civ. Code § 2923.6 obligates movant to enter into a loan modification with debtors (the court makes no finding or conclusion that it does), that obligation is not affected by the court's ruling.

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

The court will issue a minute order.

51. [09-32880](#)-B-7 WALTER/KATHLEEN ALLEN HEARING - MOTION FOR
KAT #1 RELIEF FROM AUTOMATIC STAY
WELLS FARGO BANK, N.A., VS. 7-23-09 [[10](#)]

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

52. [09-31581](#)-B-7 ROBERT/ARLENE INGRAM HEARING - MOTION FOR
PD #1 RELIEF FROM AUTOMATIC STAY
ACCUBANC MORTGAGE, VS. 7-1-09 [[11](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the size of this morning's three related calendars (96 matters), the court issues the following abbreviated ruling.

The motion is granted in part. The automatic stay is modified as against the estate and the debtors pursuant to 11 U.S.C. § 362 (d)(1) and (d)(2) in order to permit the movant to foreclose on the real property located at 6382 Simonson Court, Magalia, CA 95954 (APN 066-230-014) ("Property") and to obtain possession of the Property following the sale, all in accordance with applicable non-bankruptcy law. The court awards no fees and costs. The 10-day period specified in Fed. R. Bankr. P. 4001(a)(3) is waived. Except as so ordered, the motion is denied.

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

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

The court will issue a minute order.

53. [09-31382](#)-B-7 MICHELLE SCHOFFSTALL
JMS #1
CHASE HOME FINANCE, LLC, VS.

HEARING - MOTION FOR
RELIEF FROM AUTOMATIC STAY
7-13-09 [[11](#)]

Disposition Without Oral Argument: This motion is unopposed. Due to the size of this morning's three related calendars (96 matters), the court issues the following abbreviated ruling.

The motion is granted in part. The automatic stay is modified as against the estate and the debtor pursuant to 11 U.S.C. § 362 (d) (1) and (d) (2) in order to permit the movant to foreclose on the real property located at 2529 Maple Street, Sutter, CA 95982 ("Property") and to obtain possession of the Property following the sale, all in accordance with applicable non-bankruptcy law. The 10-day period specified in Fed. R. Bankr. P. 4001(a) (3) is waived. Except as so ordered, the motion is denied.

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

The court will issue a minute order.

54. [09-33282](#)-B-7 WILMA KESSLER
DMG #1
CITIFINANCIAL AUTO CORP., VS.

HEARING - MOTION FOR
RELIEF FROM AUTOMATIC STAY
7-17-09 [[7](#)]

Tentative Ruling: This is a properly filed motion under LBR 9014-1(f) (2). Opposition may be presented at the hearing. Because the debtor has filed a statement of intent to surrender the Collateral and because of the size of this morning's three related calendars (96 matters), the court issues the following abbreviated tentative ruling.

The motion is granted in part. The automatic stay is modified as against the estate and the debtor pursuant to 11 U.S.C. § 362 (d) (1) and (d) (2) in order to permit the movant to obtain possession of its collateral, a 2006 Dodge Caravan (VIN 1D4GP24R96B612180) ("Collateral"), to dispose of it pursuant to applicable law, and to use the proceeds from its disposition to satisfy its claim including any attorneys' fees awarded herein. The 10-day period specified in Fed. R. Bankr. P. 4001(a) (3) is ordered waived. Except as so ordered, the motion is denied.

Movant alleges without dispute that debtor has failed to make two (2) payments. Also, movant alleges without dispute that there is no equity in the Collateral and the Collateral is not necessary to an effective reorganization or rehabilitation in this chapter 7 case. The trustee has filed a report of no distribution.

The court will issue a minute order.

55. [09-32484](#)-B-7 WILLIAM JAY HEARING - MOTION FOR
SW #1 RELIEF FROM AUTOMATIC STAY
WACHOVIA DEALER SERVICES, INC., VS. 7-27-09 [[11](#)]

Tentative Ruling: This is a properly filed motion under LBR 9014-1(f)(2). Opposition may be presented at the hearing. Because the debtor is in pro se and has filed a statement of intent to surrender the Collateral and because of the size of this morning's three related calendars (96 matters), the court issues the following abbreviated tentative ruling.

The motion is granted in part. The automatic stay is modified as against the estate and the debtor pursuant to 11 U.S.C. § 362 (d)(1) and (d)(2) in order to permit the movant to obtain possession of its collateral, a 2001 Land Rover Discovery (VIN SALTL12451A722403) ("Collateral"), to dispose of it pursuant to applicable law, and to use the proceeds from its disposition to satisfy its claim including any attorneys' fees awarded herein. The 10-day period specified in Fed. R. Bankr. P. 4001(a)(3) is ordered waived. Except as so ordered, the motion is denied.

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

The court will issue a minute order.

56. [09-32684](#)-B-7 THERESA MIHALEVICH HEARING - MOTION FOR
KAT #1 RELIEF FROM AUTOMATIC STAY
DEUTSCHE BANK NATIONAL TRUST COMPANY, VS. 7-20-09 [[10](#)]

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

57. [09-21589](#)-B-7 MICHAEL/PAMELA PEARSON HEARING - MOTION FOR
LAZ #1 RELIEF FROM AUTOMATIC STAY
U.S. BANK, N.A., VS. 7-27-09 [[50](#)]

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.

58. [09-31489](#)-B-7 JACK/MARILYN LEDESMA HEARING - MOTION FOR
KAT #1 RELIEF FROM AUTOMATIC STAY
AURORA LOAN SERVICES, LLC, VS. 7-24-09 [[9](#)]

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

59. [08-27691](#)-B-7 KENT/AMY BLACK CONT. HEARING - MOTION FOR
DMG #1 RELIEF FROM AUTOMATIC STAY
CITIFINANCIAL AUTO CORP., VS. 6-18-09 [[33](#)]

DISCHARGED 10-14-08
CONT. FROM 7-14-09

Disposition Without Oral Argument: This matter continued from July 14, 2009 with a briefing schedule. Opposition was due by July 28, 2009. Replies, if any, were due by August 4, 2009. Nothing further has been filed in this matter. The failure of any party in interest to file timely written opposition within the time fixed by the court is considered consent to the granting of the motion. See Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995); LBR 9014-1(f)(1). Therefore, this matter is resolved without oral argument.

The motion is denied as moot. The automatic stay terminated as to the collateral, a 1999 Chevrolet Suburban (VIN 3GNFK16ROXG105263) (the "Collateral"), at 12:01 a.m. on September 6, 2008, by operation of 11 U.S.C. § 362(h), and the Collateral has from that date no longer been property of the estate.

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

The court will issue a minute order.

60. [09-27496](#)-B-7 SUSAN MUZQUIZ HEARING - MOTION FOR
JHW #1 RELIEF FROM AUTOMATIC STAY
CHRYSLER FINANCIAL SERVICES 7-2-09 [[13](#)]
AMERICAS LLC, VS.

Tentative Ruling: This is a properly filed motion under LBR 9014-1(f)(1). In this instance and due to the size of this morning's three related calendars (96 matters), the court issues the following abbreviated tentative ruling.

The motion is denied as moot. Considering the automatic extension provided by Fed. R. Bankr. P. 9006(a), the automatic stay terminated as to the collateral, a 2006 Chrysler 300 (VIN 2C3LA53G06H384872) (the "Collateral"), at 12:01 a.m. on June 30, 2009, by operation of 11 U.S.C.

§ 362(h), and the Collateral has from that date no longer been property of the estate.

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

The court will issue a minute order.

61. [09-30897](#)-B-7 LARRY/DENISE BRIDGES HEARING - MOTION FOR
KAT #1 RELIEF FROM AUTOMATIC STAY
AURORA LOAN SERVICES, LLC, VS. 7-15-09 [[16](#)]

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.