

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Thomas C. Holman

Bankruptcy Judge

Modesto, California

September 28, 2004 at 2:00 p.m.

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1. 04-92706-A-7 CHRISTOPHER M. DAVIS HEARING ON MOTION FOR  
JTM #1 RELIEF FROM AUTOMATIC STAY  
LINDA JANELLE HUNTER VS. 8/27/04 [7]

**Disposition Without Oral Argument:** Oral argument would not benefit the court in rendering a decision in this matter.

The motion is denied for filing defects, pursuant to LBR 9014-1(l). The motion was filed without a Relief from Stay Information Sheet and under the "Part II" notice requirements. See, 4001-1(c). There have been no "Part II" motions in this court for at least two years. See, LBR 9014-1(f). Furthermore, the Notice of Hearing provided inconsistent dates for opposition. (ECF-7).

A copy of the current local rules of this court and certain required forms is available on the internet, free of charge, at <http://www.caeb.uscourts.gov>.

The court will issue a minute order.

2. 04-92706-A-7 CHRISTOPHER M. DAVIS HEARING ON MOTION FOR  
EBN #1 RELIEF FROM AUTOMATIC STAY  
TRAVIS CREDIT UNION VS. 8/30/04 [11]

**Tentative Ruling:** The motion is granted to the extent sent forth herein.

The court notes that the motion was filed under the "Part II" notice requirements. See, 4001-1(c). There have been no "Part II" motions in this court for several years. See, LBR 9014-1(f). A copy of the current local rules of this court and certain required forms is available on the internet, free of charge, at <http://www.caeb.uscourts.gov>. In this instance, the court will address the motion, rather than deny the motion for filing defects (see, LBR 9014-1(l)), since the debtor surrendered the collateral.

As against the estate and the debtor, the automatic stay is modified pursuant to 11 U.S.C. § 362(d)(1) and (d)(2) in order to permit the movant to dispose of its collateral pursuant applicable non-bankruptcy law, and to use the proceeds from its disposition to satisfy its claim. Movant claims without dispute that the value of the vehicle is \$12,055. Movant holds a lien on the vehicle in the amount of \$18,777.68. There is

no equity in the subject property and it is not necessary for an effective reorganization or rehabilitation. The lack of written opposition by the trustee shows that the trustee cannot administer the subject property for the benefit of creditors. Movant also alleges without dispute that debtor has not made two installment payments. This is cause for relief from the automatic stay.

The 10-day period specified in Fed.R.Bankr.P. 4001(a)(3) is waived.

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).

Except as so ordered, the motion is denied.

Counsel for movant shall submit an order that conforms to the court's ruling. Pursuant to Bankruptcy Rule 9021, the order shall not recite the reasons stated herein. It shall state only that, for the reasons stated by the court and appended to the minutes of the proceedings, (1) as against the estate and the debtor, the automatic stay is modified in order to permit the movant to repossess its collateral and dispose of it pursuant to applicable law, and to use the proceeds from its disposition to satisfy its claim, (2) the 10-day period specified in Fed.R.Bankr.P. 4001(a)(3) is waived, and (3) except as so ordered, the motion is denied. See, Horton v. Rehbein (In re Rehbein), 60 B.R. 436, 439 (9<sup>th</sup> Cir. BAP 1986).

3. 04-92709-A-11 L.L.-G.L. ENTERPRISES, INC. CONT. HEARING ON MOTION FOR  
SW #1 RELIEF FROM AUTOMATIC STAY  
FORD MOTOR CREDIT COMPANY VS. 7/27/04 [30]

**Tentative Ruling:** This motion was continued prior to its original hearing date of August 23, 2004.

This motion is continued to October 26, 2004, at 9:30 a.m., to allow for proper notice under Bankruptcy Rule 4001(a)(1). (ECF-1). The movant failed to serve two of the debtor-in-possession's 20 largest creditors, as set forth in its list filed in compliance with Bankruptcy Rule 1007(d)(specifically, creditors In Touch and Budget Tire). Movant shall serve the two omitted creditors on or before September 28, 2004 and shall promptly file proof of such service. On or before September 28, 2004, Movant shall also give notice of the continuance and promptly file proof of service of such notice.

The court will issue a minute order.

4. 04-92611-A-7 REFUGIO & IRMA ROBLES HEARING ON MOTION FOR  
RLE #1 RELIEF FROM AUTOMATIC STAY  
FORD MOTOR CREDIT CO. VS. 8/27/04 [18]

**Tentative Ruling:** This motion for relief from the automatic stay has been filed pursuant to LBR 4001-1 and LBR 9014-1(f)(1). The failure of

any party in interest to file timely written opposition as required by this local rule is considered consent to the granting of the motion. See Ghazali v. Moran, 46 F.3d 52, 53 (9<sup>th</sup> Cir. 1995). In this instance, since the debtors are *pro se*, the court issues a tentative ruling.

The motion is granted to the extent sent forth herein.

As against the estate and the debtors, the automatic stay is modified pursuant to 11 U.S.C. § 362(d)(1) and (d)(2) in order to permit the movant to repossess its collateral and dispose of it pursuant applicable non-bankruptcy law, and to use the proceeds from its disposition to satisfy its claim. Movant claims without dispute that the value of the vehicle is \$3,575. Movant holds a lien on the vehicle in the amount of \$9,458.65. There is no equity in the subject property and it is not necessary for an effective reorganization or rehabilitation. The lack of written opposition by the trustee shows that the trustee cannot administer the subject property for the benefit of creditors. Movant also alleges without dispute that debtors have not made four installment payments. This is cause for relief from the automatic stay.

The 10-day period specified in Fed.R.Bankr.P. 4001(a)(3) is waived.

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).

Except as so ordered, the motion is denied.

Counsel for movant shall submit an order that conforms to the court's ruling. Pursuant to Bankruptcy Rule 9021, the order shall not recite the reasons stated herein. It shall state only that, for the reasons stated by the court and appended to the minutes of the proceedings, (1) as against the estate and the debtors, the automatic stay is modified in order to permit the movant to repossess its collateral and dispose of it pursuant to applicable law, and to use the proceeds from its disposition to satisfy its claim, (2) the 10-day period specified in Fed.R.Bankr.P. 4001(a)(3) is waived, and (3) except as so ordered, the motion is denied. See, Horton v. Rehbein (In re Rehbein), 60 B.R. 436, 439 (9<sup>th</sup> Cir. BAP 1986).

5.	04-92326-A-7	TIMOTHY & SHARON WILLIAMS	HEARING ON MOTION FOR
	RLE #1		RELIEF FROM AUTOMATIC STAY
	FORD MOTOR CREDIT CO. VS.		8/27/04 [9]

**Disposition Without Oral Argument:** This motion for relief from the automatic stay has been filed pursuant to LBR 4001-1 and LBR 9014-1(f)(1). The failure of any party in interest to file timely written opposition as required by this local rule is considered consent to the granting of the motion. See Ghazali v. Moran, 46 F.3d 52, 53 (9<sup>th</sup> Cir. 1995).

The motion is granted to the extent sent forth herein.

As against the estate and the debtors, the automatic stay is modified pursuant to 11 U.S.C. § 362(d)(1) and (d)(2) in order to permit the

movant to repossess its collateral and dispose of it pursuant applicable non-bankruptcy law, and to use the proceeds from its disposition to satisfy its claim. Movant claims without dispute that the value of the vehicle is 21,400. Movant holds a lien on the vehicle in the amount of \$37,523.76. There is no equity in the subject property and it is not necessary for an effective reorganization or rehabilitation. The lack of written opposition by the trustee shows that the trustee cannot administer the subject property for the benefit of creditors. Movant also alleges without dispute that debtors have not made four installment payments. This is cause for relief from the automatic stay.

The 10-day period specified in Fed.R.Bankr.P. 4001(a)(3) is waived.

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).

Except as so ordered, the motion is denied.

Counsel for movant shall submit an order that conforms to the court's ruling. Pursuant to Bankruptcy Rule 9021, the order shall not recite the reasons stated herein. It shall state only that, for the reasons stated by the court and appended to the minutes of the proceedings, (1) as against the estate and the debtors, the automatic stay is modified in order to permit the movant to repossess its collateral and dispose of it pursuant to applicable law, and to use the proceeds from its disposition to satisfy its claim, (2) the 10-day period specified in Fed.R.Bankr.P. 4001(a)(3) is waived, and (3) except as so ordered, the motion is denied. See, Horton v. Rehbein (In re Rehbein), 60 B.R. 436, 439 (9<sup>th</sup> Cir. BAP 1986).

6.	03-90931-A-7	DESA D. ATTIYA	HEARING ON MOTION FOR
	TJP #1		RELIEF FROM AUTOMATIC STAY
	TRIAD FINANCIAL CORP. VS.		9/2/04 [108]

**Disposition Without Oral Argument:** This motion for relief from the automatic stay has been filed pursuant to LBR 4001-1 and LBR 9014-1(f)(1). The failure of any party in interest to file timely written opposition as required by this local rule is considered consent to the granting of the motion. See Ghazali v. Moran, 46 F.3d 52, 53 (9<sup>th</sup> Cir. 1995).

The motion is granted to the extent sent forth herein.

As against the estate and the debtor, the automatic stay is modified pursuant to 11 U.S.C. § 362(d)(1) and (d)(2) in order to permit the movant to repossess its collateral and dispose of it pursuant applicable non-bankruptcy law, and to use the proceeds from its disposition to satisfy its claim. Movant claims without dispute that the value of the vehicle is \$23,495. Movant holds a lien on the vehicle in the amount of \$24,948.99. There is no equity in the subject property and it is not necessary for an effective reorganization or rehabilitation. The lack of written opposition by the trustee shows that the trustee cannot administer the subject property for the benefit of creditors. Movant

also alleges without dispute that debtor has not made seven installment payments. This is cause for relief from the automatic stay.

The 10-day period specified in Fed.R.Bankr.P. 4001(a)(3) is waived.

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).

Except as so ordered, the motion is denied.

Counsel for movant shall submit an order that conforms to the court's ruling. Pursuant to Bankruptcy Rule 9021, the order shall not recite the reasons stated herein. It shall state only that, for the reasons stated by the court and appended to the minutes of the proceedings, (1) as against the estate and the debtor, the automatic stay is modified in order to permit the movant to repossess its collateral and dispose of it pursuant to applicable law, and to use the proceeds from its disposition to satisfy its claim, (2) the 10-day period specified in Fed.R.Bankr.P. 4001(a)(3) is waived, and (3) except as so ordered, the motion is denied. See, Horton v. Rehbein (In re Rehbein), 60 B.R. 436, 439 (9<sup>th</sup> Cir. BAP 1986).

7. 04-92739-A-7 JEFFREY DEAN ROGERS CONT. HEARING ON MOTION FOR  
WGM #1 RELIEF FROM AUTOMATIC STAY  
LONG BEACH MORTGAGE CO. VS. 8/24/04 [16]

**Tentative Ruling:** This motion was filed under LBR 9014-1(f)(2), and continued from September 7, 2004, to be placed on a proper calendar. Opposition may be presented at the hearing. Therefore, the court issues no tentative ruling on the merits of the motion.

8. 00-92541-A-7 GLENDA C. NILA HEARING ON MOTION  
DFB #2 TO AVOID JUDICIAL LIEN  
ON DEBTOR'S RESIDENCE  
8/31/04 [14]

**Disposition Without Oral Argument:** Oral argument would not benefit the court in rendering a decision.

The motion is denied without prejudice. The debtor served Home Savings of America, without any designation of who at the company should receive the notice. The court requires motions of this kind to be served on the judgment creditor at the address stated in Item 3 of the abstract of judgment, and at any other address(es) known to the debtors or disclosed in the bankruptcy file, e.g., in a filed proof of claim. The service must be directed at someone who can meaningfully respond to the motion, such as a managing agent or officer. Bankr. Rules 9014(b) and 7004(b)(3).

The debtor may re-file the motion and serve as set forth herein.

The court will issue a minute order.

9. 04-92856-A-7 VALARIE DIGGS ZOCCOLI  
DMG #1  
AMERICREDIT FINANCIAL  
SERVICES, INC. VS.

HEARING ON MOTION FOR  
RELIEF FROM AUTOMATIC STAY  
8/31/04 [9]

**Disposition Without Oral Argument:** This motion for relief from the automatic stay has been filed pursuant to LBR 4001-1 and LBR 9014-1(f)(1). The failure of any party in interest to file timely written opposition as required by this local rule is considered consent to the granting of the motion. See Ghazali v. Moran, 46 F.3d 52, 53 (9<sup>th</sup> Cir. 1995).

The motion is granted to the extent set forth herein.

As against the estate and the debtor, the automatic stay is modified pursuant to 11 U.S.C. § 362(d)(1) and (d)(2) in order to permit the movant to repossess its collateral and dispose of it pursuant applicable non-bankruptcy law, and to use the proceeds from its disposition to satisfy its claim. Movant claims without dispute that the value of the vehicle is \$18,185. Movant holds a lien on the vehicle in the amount of \$24,823.84. There is no equity in the subject property and it is not necessary for an effective reorganization or rehabilitation. The lack of written opposition by the trustee shows that the trustee cannot administer the subject property for the benefit of creditors. Movant also alleges without dispute that debtor has not made five installment payments. This is cause for relief from the automatic stay.

The 10-day period specified in Fed.R.Bankr.P. 4001(a)(3) is waived.

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).

Except as so ordered, the motion is denied.

Counsel for movant shall submit an order that conforms to the court's ruling. Pursuant to Bankruptcy Rule 9021, the order shall not recite the reasons stated herein. It shall state only that, for the reasons stated by the court and appended to the minutes of the proceedings, (1) as against the estate and the debtors, the automatic stay is modified in order to permit the movant to repossess its collateral and dispose of it pursuant to applicable law, and to use the proceeds from its disposition to satisfy its claim, (2) the 10-day period specified in Fed.R.Bankr.P. 4001(a)(3) is waived, and (3) except as so ordered, the motion is denied. See, Horton v. Rehbein (In re Rehbein), 60 B.R. 436, 439 (9<sup>th</sup> Cir. BAP 1986).

10. 03-92057-A-7 ROY KNOLL  
TG #3  
ROY KNOLL VS.

HEARING ON MOTION TO  
INVALIDATE LIEN  
7/2/04 [33]

STATE OF CALIFORNIA

**Tentative Ruling:** The motion is denied, under LBR 9014-1(1), and the

case is closed.

Initially, the court must address the procedural errors of this motion. The motion was not signed by the debtor's attorney (it was only signed by the debtor) in violation of Bankruptcy Rule 9011(a). See also, LBR 9014-1(a). The motion failed to use the proper Docket Control number in violation of LBR 9014-1(c). Finally, the debtor did not serve the judgment creditor at all known addresses. While the debtor *did* serve the judgment creditor using the name and address on the Renewal of Judgment, that Renewal was from 2002 and the debtor knows a more current and meaningful address and person - the attorney who represented the judgment creditor in its April 9, 2004, opposition to the debtor's prior motion. (ECF-29). This court requires service of motions of this kind on all addresses known to the debtor/s or disclosed in the bankruptcy file, e.g., in a prior opposition to a prior motion. For all of these procedural reasons, the motion is denied.

Even if the motion were properly before the court, it would have been denied on its merits. For this reason, and the fact that there is no relief for the debtor as he seeks it, the case is closed. There is no reason for the case to remain pending to pursue this matter any longer.

As this court stated during the debtor's prior motions (ECF-30), there is no provision under the Code to "invalidate lien," and the court takes the debtor's pleadings as seeking to avoid a judicial lien under § 522(f). But, the debtor - in each of his four attempts - has consistently failed to show that there is a recorded judicial lien on his property which impairs his bankruptcy exemption; he has only shown a Judgment and Renewal of Judgment filed with a clerk. In other words, there is no evidence of a recorded abstract of judgment which created a judicial lien on the debtor's real property to avoid under § 522(f).

The debtor's latest offering - a letter from a Title Officer from First American Title stating the county records only contain the Renewal of Judgment - does not show a recorded abstract of judgment. To create a judgment lien on real property, an abstract of judgment must be recorded with the county recorder. C.C.P. § 697.310(a). An abstract of judgment must be certified by the clerk of court and contain specific items of information. C.C.P. § 674. The Renewal of Judgment does not contain these requirements and does not have the impact of a recorded abstract of judgment.

This is the debtor's fourth attempt at this motion, and the third time the court has directly stated that the debtor has failed to show a recorded judicial lien. (ECF-30). This case was only opened to address this lien. (ECF-14). Where the debtor has failed to do so after four attempts, there is no further reason to keep this case open. The court notes the clerk's office has been in contact with the debtor's attorney regarding the closure of this case. (ECF-24-26).

The motion is denied and the case is closed. The court will issue a minute order.

11. 01-92172-A-7 ROBERT & MARIA PINEDA  
RLE #1  
FORD MOTOR CREDIT COMPANY VS.

CONT. HEARING ON MOTION FOR  
RELIEF FROM AUTOMATIC STAY  
7/26/04 [101]

**Tentative Ruling:** This motion was continued from August 24, 2004, to allow the movant to correct service on the debtors.

The motion is granted as to the estate, to the extent sent forth herein, and denied as moot as to the debtors.

As against 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 repossess its collateral and dispose of it pursuant applicable non-bankruptcy law, and to use the proceeds from its disposition to satisfy its claim. Movant claims without dispute that the value of the vehicle is \$4,925. Movant holds a lien on the vehicle in the amount of \$15,204. There is no equity in the subject property and it is not necessary for an effective reorganization or rehabilitation. The lack of written opposition by the trustee shows that the trustee cannot administer the subject property for the benefit of creditors. Movant also alleges without dispute that debtor has not made 18 installment payments. This is cause for relief from the automatic stay.

Modification of the automatic stay against the debtors is denied as moot since the debtors were discharged from all dischargeable debts on August 26, 2004 and the automatic stay terminated as to them at that time. 11 U.S.C. § 362(c)(2)(C).

The 10-day period specified in Fed.R.Bankr.P. 4001(a)(3) is waived.

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).

Except as so ordered, the motion is denied.

Counsel for movant shall submit an order that conforms to the court's ruling. Pursuant to Bankruptcy Rule 9021, the order shall not recite the reasons stated herein. It shall state only that, for the reasons stated by the court and appended to the minutes of the proceedings, (1) as against the estate, the automatic stay is modified in order to permit the movant to repossess its collateral and dispose of it pursuant to applicable law, and to use the proceeds from its disposition to satisfy its claim, (2) as against the debtors, the motion is denied as moot, (3) the 10-day period specified in Fed.R.Bankr.P. 4001(a)(3) is waived, and (4) except as so ordered, the motion is denied. See, Horton v. Rehbein (In re Rehbein), 60 B.R. 436, 439 (9<sup>th</sup> Cir. BAP 1986).

12. 04-92674-A-7 STEPHANIE CANDEVAN  
SML #1  
CHASE MANHATTAN MORTGAGE  
CORP. VS.

HEARING ON MOTION FOR  
RELIEF FROM AUTOMATIC STAY  
8/24/04 [16]

**Disposition Without Oral Argument:** This motion for relief from the automatic stay has been filed pursuant to LBR 4001-1 and 9014-1(f)(1).

The failure of the debtor, the trustee, and all other parties in interest to file timely written opposition as required by this local rule may be considered consent to the granting of the motion. See Ghazali v. Moran, 46 F.3d 52, 53 (9<sup>th</sup> Cir. 1995). Therefore, the matter is resolved without oral argument.

The automatic stay is modified as against the estate and the debtor pursuant to 11 U.S.C. § 362 (d)(1) in order to permit the movant to foreclose and to obtain possession of the subject real property following the sale, all in accordance with applicable non-bankruptcy law. The lack of written opposition by the trustee shows that the trustee cannot administer the subject property for the benefit of creditors. The property cannot benefit the Chapter 7 estate. As to the debtor, cause exists because she has failed to make two mortgage payments on the subject loan. Finally, the court notes that the holder of the second deed of trust received relief from the automatic stay.

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

The 10-day period specified in Fed.R.Bankr.P. 4001(a)(3) is not waived.

Except as so ordered, the motion is denied.

Counsel for movant shall submit an order that conforms to the court's ruling. Pursuant to Bankruptcy Rule 9021, the order shall not recite the reasons stated herein. It shall state only that, for the reasons stated by the court and appended to the minutes of the proceedings, (1) as to the estate and the debtor, the automatic stay is modified in order to permit the movant to foreclose and to obtain possession of the subject real property following the sale, and to use the proceeds from its disposition to satisfy its claim, (2) the 10-day period specified in Fed.R.Bankr.P. 4001(a)(3) is not waived, (3) movant is awarded attorneys fees equal to the lesser of \$675 or the amount actually billed plus \$150 in costs, and these fees and costs may be enforced only against the movant's collateral, and (4) except as so ordered, the motion is denied. See, Horton v. Rehbein (In re Rehbein), 60 B.R. 436, 439 (9<sup>th</sup> Cir. BAP 1986).

13.	02-90409-A-7	THE BLUFFS SENIOR HOUSING	HEARING ON MOTION FOR
	MSR #10	DEVELOPMENT	RELIEF FROM AUTOMATIC STAY
	SERENO AT DRY CREEK, INC. VS.		9/14/04 [290]

**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.

14. 04-92709-A-11 L.L.-G.L. ENTERPRISES, INC. CONT. HEARING ON MOTION FOR  
ARM #1 RELIEF FROM AUTOMATIC STAY  
RYAN VIGIL ET. AL. VS. FOR CAUSE AND LACK OF  
EQUITY  
8/31/04 [107]

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

The motion is denied without prejudice, pursuant to LBR 9014-1(1). No monetary sanctions are imposed.

The motion fails to comply with LBR 9014-1(c), because it has the same Docket Control number as another motion on docket. The second motion is similar to this motion and filed within days of evidence being filed in this matter. Proper use of Docket Control numbers is vital to maintaining a usable electronic docket.

If a new motion seeking the same relief is filed, a new docket control number that has not been used for any other motion, including this one, shall be assigned. This motion is concluded and terminated with the order on this ruling. A new motion seeking the same relief does not resurrect this motion, the new motion just happens to seek the same relief as this motion.

The court will issue a minute order.

15. 04-92716-A-7 MICHAEL FARRIS HEARING ON MOTION TO  
FW #1 AVOID LIEN ON DEBTOR'S  
MICHAEL FARRIS VS. RESIDENCE  
9/13/04 [8]  
MARK & GEORGIANA BREITENSTINE

**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.

16. 03-93158-A-7 FELIX A. MARTINEZ HEARING ON MOTION TO  
DN #2 AVOID JUDICIAL LIEN ON  
FELIX A. MARTINEZ VS. EXEMPT PROPERTY  
9/14/04 [10]  
FOOTHILL COLLECTION SERVICE, INC.

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

17. 03-93158-A-7 FELIX A. MARTINEZ HEARING ON MOTION TO  
DN #3 AVOID JUDICIAL LIEN ON  
FELIX A. MARTINEZ VS. EXEMPT PROPERTY  
9/14/04 [14]  
MEPCO ACCEPTANCE CORP.

**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.

18. 03-93158-A-7 FELIX A. MARTINEZ HEARING ON MOTION TO  
DN #4 AVOID JUDICIAL LIEN ON  
FELIX A. MARTINEZ VS. EXEMPT PROPERTY  
9/14/04 [18]  
COUNTY OF SAN JOAQUIN

**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.

19. 04-92771-A-7 DIRK & CHRISTINA PEARCE HEARING ON MOTION FOR  
RLE #1 RELIEF FROM AUTOMATIC STAY  
DAIMLERCHRYSLER SERVICES NORTH 9/14/04 [25]  
AMERICA LLC VS.

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

20. 04-93439-A-7 MICHAEL & LEANORA EMERY HEARING ON MOTION FOR  
SW #1 RELIEF FROM AUTOMATIC STAY  
WELLS FARGO FINANCIAL 9/14/04 [5]  
ACCEPTANCE VS.

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

21. 04-92879-A-11 WATERFRONT WAREHOUSE, HEARING ON MOTION FOR  
DBP #1 INC. RELIEF FROM AUTOMATIC STAY  
GLENN MOFFATT, ET AL. VS. 9/14/04 [103]

**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.